



Historic Preservation Commission

335 South Broadway

Regular Meeting

De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, July 20, 2015

6:00 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Historic Preservation Commission** of the City of De Pere will be held on **July 20, 2015 at 6:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call.
2. Approval of the minutes of the June 15, 2015 meeting.
3. Update on the Front Street Mural Project.
4. Update and Concurrence on St. Norbert College Historic Place Nomination Selected Consultant.
5. Update on 2015-2017 State Budget and the Wisconsin Historic Tax Credit Program.
6. Review of Process and information for Local Historic Districts within the City.
7. Information Items - St. Norbert College Walking Tour Presentation and Wisconsin Association of Historic Preservation Commissions Presenter.
8. Future Agenda Items.

Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by Noon on Monday, July 20, 2015 so that arrangements can be made.

AGENDA SENT TO:

Commission Members
Alderspersons
Department Heads
News Media
De Pere Chamber of Commerce
Brown County Library, De Pere Branch
Joe De Rose, Historic Preservation Division

City of De Pere, Wisconsin



Request For Historic Preservation Commission Action

MEETING DATE: July 20, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: Approval of the minutes of the June 15, 2015 meeting.

ATTACHMENTS:

- HPC_Jun2015_Minutes_Draft (PDF)



Historic Preservation Commission

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Monday, June 15, 2015
6:00 PM
De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 6:00 PM by Commissioner Mike Fleck

Attendee Name	Title	Status	Arrived
Scott Crevier	Aldersperson	Present	
Mike Fleck	Commissioner	Present	
Gene Hackbarth	Commissioner	Present	
Brian Netzel	Commissioner	Excused	
Sue Sands	Commissioner	Present	
Kate Sabel	Commissioner	Present	
Adam Turriff	Commissioner	Present	

Also present: city Planning Director Ken Pabich, and members of the public.

2. Approval of the minutes of the May 18, 2015 meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Crevier, Aldersperson
SECONDER:	Sue Sands, Commissioner
AYES:	Crevier, Fleck, Hackbarth, Sands, Sabel, Turriff
EXCUSED:	Brian Netzel

3. Update on the Front St mural project. *

The "Do Something Special" Club at De Pere High School has volunteered to repaint and seal the mural on Front St. They would also like to add to the two panels on the north end, to commemorate the past 25 years of City history. Two local residents have donated funds for the project. This proposal will go to Council tomorrow night, and if approved they hope to do the work over July 6th - 8th.

4. 426 N. Superior St Project (former Irwin School).

Ken Pabich reported that city has received a request to rezone this property to R-2 with a PDD overlay. The developer is proposing 10 single family homes on the site. The Plan Commission has forwarded this item to City Council for a public hearing tomorrow night. Commission members expressed concern about razing the school building before the project is ready to proceed.

Mike Fleck motioned, seconded by Gene Hackbarth, to open the meeting for public comments. Upon vote, motion carried unanimously.

Resident Anne Mattern inquired about City Ordinance Chapter 38, which refers to a certificate of appropriateness that would have to be granted by the HPC for demolition. She also urged the Commission to request an independent assessment of the Irwin school building, and expressed concern that homes could be left unsold and lower the value of the neighborhood. Ms. Mattern also inquired about a six month demolition delay referenced in the Neighborhood Preservation Plan.

Resident Amy Ritter expressed concern about lot size and crowding on the site.

Resident Karen Sternkopf also expressed concern about the number of homes being proposed, and stated her opposition to any multifamily use on the site.

Scott Crevier motioned, seconded by Gene Hackbarth, to return to regular order.

Upon vote, motion carried unanimously.

Ken encouraged residents to express their concerns at the Council hearing tomorrow night, and then addressed questions. He stated that the Certificate of Appropriateness would only apply to a local historic district; this site is considered part of a state and national district. The only two locally designated sites in the city are White Pillars and the Polo Resto. A petition would need to be submitted by residents in order to start the process of creating a local district. Ken stated that at the time the Neighborhood Preservation Plan was created, there was not support from residents to pursue this.

An independent assessment of the current structure can be requested at Council; it is not something normally required by the City. The developer has provided information in the Council agenda packet which people can view and dispute if they choose.

Letters of intent to purchase would be discussed in next phase of project development, and would be addressed at both Plan Commission and Council.

The City has seen success with infill projects of this type and at this price point. Ken noted that the City Assessor will be at the Council meeting tomorrow.

The six month demolition delay referenced in the Neighborhood Preservation Plan was advisory in nature. The Plan document provides general guidelines that can be adopted when and if a local district is created. The city currently has an ordinance that dictates a 10 day waiting period before a razing permit can be issued. The developer is willing to work with the Commission to give them ample time to catalog the building.

Density concerns can be addressed by the PDD overlay, which restricts uses of the property to single family homes. Ken pointed out that many of the existing lots in the neighborhood, although wider, include a driveway while the proposed homes would not. The Plan Commission felt that the overall design of the project was compatible with the surrounding neighborhood.

The existing building has been considered multiple times with proposals to convert to multifamily apartments or condominiums; each time cost estimates to convert have been prohibitive.

Discussion followed regarding storm water treatment for the development and potential impact on surrounding properties, as well as the potential that the homes could be rented. This would not be regulated by the PDD but could potentially by the condo association.

Gene Hackbarth motioned, seconded by Mike Fleck, to reopen the meeting for public comments. Upon vote, motion carried unanimously.

Anne Mattern inquired if neighbors can apply for local landmark status now. Ken stated that the property owner would have to petition to be recognized as an individual site. If residents petitioned for the district as a whole, the Commission would have to hold a public hearing.

Mike Fleck motioned, seconded by Scott Crevier, to return to regular order. Upon vote, motion carried unanimously.

Gene Hackbarth motioned, seconded by Mike Fleck, to recommend to the City Council that architectural design and exterior materials for the project be clearly specified using the Neighborhood Preservation Plan for guidance, and that the

developer be required to obtain a certain percentage of pre-sales before the building is razed. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gene Hackbarth, Commissioner
SECONDER:	Mike Fleck, Commissioner
AYES:	Crevier, Fleck, Hackbarth, Sands, Sabel, Turriff
EXCUSED:	Brian Netzel

5. Historic plaque damage at 375 Main (former Stowe Drugs).

Mike Fleck reported that someone attempted to remove the National Register plaque at 375 Main Av. A request for the city to fund the repair would require Finance Committee and Council approval; however there is concern about setting a precedent by doing so, as well as creating liability issues. City Administrator Larry Delo suggested that the property owner should be responsible for the work, and that the Commission could provide them with contact information for the installation contractor. Discussion followed regarding similar projects in the city that were initiated with city funding but then maintained by the property owner. Adam Turriff suggested including this language in future agreements for historic plaques.

6. Update on the St. Norbert College research project.

Eric Konop, history student at St. Norbert College, provided an update on the research project. He has utilized the Mulva Library archives, and has contacted the Abbey as well. The former St. Boniface church and the Priory have proved challenging; he has found no information prior to 1980. Commission members and city staff provided Mr. Konop with additional resources and contacts. Gene complimented Eric and Professor Trollinger on their work, noting that it is a great partnership to enhance the history of the community.

7. Update on the sub-grant consultant search.

The request for proposal is being sent out next week, with a submission deadline of July 6th. Interviews will be conducted the week of the 9th or 14th. The recommendation will go to the July 20th Commission meeting, and to Finance and Council in August. Gene Hackbarth, Mike Fleck, and Kate Sabel offered to participate in interviews.

8. Review of the May 19th historic tax credit workshop.

Gene Hackbarth expressed thanks to the City, the Historic Preservation Commission, and all other participants who partnered in organizing this workshop. There were 38 attendees, who received digital copies of the presentation. Gene provided a handout to Commission members with information on the benefits of the Historic Tax Credit program.

9. 2015 budget review.

There were no questions on the Commission budget update.

10. Future agenda items.

Update on the WAHPC conference to be held in De Pere on April 22-23, 2016.

Adjournment

Gene Hackbarth motioned, seconded by Scott Crevier, to adjourn the meeting at 7:15 pm.
Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen

City of De Pere, Wisconsin

**Request For Historic Preservation Commission Action**

MEETING DATE: July 20, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Update on the Front Street Mural Project.

During the week of July 6th students from De Pere High School along with teachers and other volunteers repainted the mural. Students have been invited to attend this meeting and provide you with an update.

City of De Pere, Wisconsin



Request For Historic Preservation Commission Action

MEETING DATE: July 20, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

SUBJECT: Update and Concurrence on St. Norbert College Historic Place
Nomination Selected Consultant.

ATTACHMENTS:

- SNC_Memo (DOCX)
- Heggland_proposal (PDF)

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



July 9, 2015

To: Historic Preservation Commission

From: Sarah Wallace, Associate Planner

RE: Recommendation of Consultant for Request for Proposals, St. Norbert College
Nomination

The City received two proposals from our Request for Proposals that were sent out for the St. Norbert College Historic Place Nomination, per the Wisconsin Historical Society sub grant that we were awarded. Based on our review of the two proposals, of which both were excellent, we determined that Timothy F. Heggland's proposal is our recommendation for this project.

We are recommending concurrence from the Historic Preservation Commission.

The timeline of approval for the selection of the consultant and associated contract is as follows:

- Historic Preservation Commission Concurrence of Consultant July 20, 2015
- City Council Approval/Project Award August 18, 2015

The timeline for the project requires that the draft report be due no later than January 5, 2016 with the final report completed by March 8, 2016.

Please let me know if you have any comments or questions.

Attachment: SNC_Memo (3701 : SNC Nomination)

TIMOTHY F. HEGGLAND
HISTORIC PRESERVATION CONSULTANT
6391 HILLSANDWOODS ROAD
MAZOMANIE, WISCONSIN 53560
Phone (608) 795-2650
Fax (608) 795-2652

July 2, 2015

Ms. Sarah Wallace
Associate Planner
City of De Pere
335 South Broadway
De Pere, WI 54115

Dear Ms. Wallace:

Thank you for requesting a proposal for the completion of National Register of Historic Places (NRHP) intensive survey and historic district nomination for the St. Norbert College Campus in De Pere. I would be honored to be chosen as your consultant for this project. I am enclosing a copy of my resume with this letter and as you will see, I have been an historic preservation consultant in Wisconsin since 1979 and have successfully undertaken projects of many kinds since then. Among them I would just mention in particular the Intensive Survey of the City of De Pere, for which I acted as the Principal Investigator. This survey was completed in 2001 and the historic district for which you are seeking proposals was first identified as part of that survey. In addition, I also subsequently authored accepted NRHP nominations for the N. Michigan Street-N. Superior Street Historic District, the Randall Avenue Historic District, the Main Avenue Historic District, the South Broadway Historic District, the Union House, the De Pere Public Library, the Julius Krause Store Building, the John Beaten Store Building, the Gutnecht House, the Heyrman House, the Gretzinger House, the Steckart & Falck Double Block, and most recently, the Nicolet High School, all located in De Pere. Thus, I believe you can feel confident about my ability to successfully undertake and complete the projects that are the subject of your RFP.

The potentially eligible St. Norbert College Historic District that was identified in my 2001 Intensive Survey of De Pere is now 14 years old. Consequently, a resurvey of the campus should be undertaken in order to see if the proposed 2001 St. Norbert Campus historic district boundary should be expanded. This would mean surveying some 16 additional buildings on the campus that were built between 1889 and 1975 for their potential inclusion in such a district. Once this resurvey is completed, the results would then be shared with the College and with the State Historic Preservation Office (SHPO) in Madison. If the SHPO then determines that the original district boundaries should be expanded, the resulting district would be the one that is the subject of your RFP.

Because I have done so much work in De Pere already, most recently for St. Norbert College itself, some of the research and some of the writing for this historic district nomination has already been done, resulting in a significant savings that I can pass on to the City. My proposal is for the necessary resurvey of the campus and for the completed historic district NRHP nomination, the final copy of which would be submitted to you on or before March 8, 2016. The total fixed, not-to-exceed cost for the nomination will be \$7000.00 and for this you will receive all the products specified in your Scope of Work, including, but not limited to: the completed NRHP nomination form; a copy of the nomination on computer disc, color digital photos; a USGS map and a district map, all of which will be in conformance with NRHP and SHPO guidelines. In addition, this fee will also cover my participation in the two public meetings that the SHPO will hold, the presentation of the nomination to the State Historic Preservation Review Board, and any other meetings you may deem necessary.

July 2, 2015

Page two

I would be the sole person responsible for completing the nomination, which work would begin upon the signing of the contract, and I state here that I have no conflict of interest with regard to any other work that I have previously performed for the City. The first step after the signing would be to revisit the St. Norbert College Campus and compile information on additional campus buildings that were built after 1951, much of which is already readily accessible in St. Norbert College publications. The campus would then be visited in the company of Ms. Daina Penkiunas of the SHPO in order to see if the district boundaries that were approved in 2001 are still satisfactory. If these boundaries remain the same or if they are reduced, then the only changes would be to the district map. Should the boundaries be expanded, however, more site-specific research will have to be done on the newly included buildings and changes would also have to be made to the district map as well.

Shortly after the boundaries have been fixed is also a good time for the first of the two mandated public meetings to take place. Usually, the first of these public meetings is held at the beginning of the project (but only after the boundaries have been finalized), and a representative of the SHPO and your consultant are typically the principal speakers. This is then followed by a second meeting that takes place after the nomination has been completed and it is a federally mandated meeting that must take place at least thirty days before the nomination is presented to the State Historic Preservation Review Board. Of the two meetings, the first one is usually by far the more important because it offers the nomination sponsor (the City of De Pere) its best chance of getting all the property owners in the district in favor of moving forward with the process. In this case, however, because the only owner is the College itself, the format of these meetings may be different and the need for public announcements may be unnecessary. In addition to these two mandated meetings I would also be happy to attend any others that would benefit the district as well.

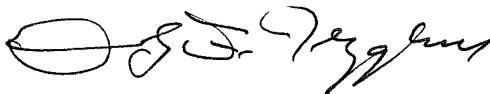
In between these two meetings, additional research on the buildings in the district would be undertaken, which would include historic newspaper research, research in the College's own archives, and also in the archives of Berners-Schober in Green Bay, which firm designed many of the College's buildings. Color digital photos of the district would be completed in the fall of 2015 to take advantage of the lack of snow and foliage, and the writing of the nomination would happen in January and February of 2016.

Most of the expense will be time spent in research and writing, which will be undertaken at my usual rate of \$30.00 per hour. All the items specified in your RFP under the Project Scope of Works will be completed and the Schedule included in the RFP is also acceptable as well.

In closing I would just like to state that I am really glad to see that the City is acting on nominating this fine group of buildings to the NRHP. My previous work experience in De Pere has been some of the most enjoyable and satisfying of my professional life and it would be a real pleasure to continue this work. So, thank you again for your RFP. If anything in this proposal needs clarification or if you need more information, please let me know. You can also reach me by e-mail as well; my address is:

tim.heggland@juno.com.

Most cordially yours,



Timothy F. Heggland

enclosures

Proposed Scope of Work for St. Norbert College Historic District Intensive Survey and Historic District Nomination

The Scope of Work to be performed for this project has been set forth in your RFP and my proposal would complete all the individual items mentioned on pages 2-3 of the RFP, these items being the same as those that are required for every National Register nomination submitted to the Wisconsin SHPO. Work would begin after the signing of the contract and the first task would be to compile a list of all the campus buildings that were built between 1951 and 1975, a task made easier by having access to the St. Norbert College Buildings Centennial Edition booklet, printed by the College in 1998. A site visit to the campus would then follow, the purpose of which would be to obtain additional information about these buildings, including the making of an assessment as to their degree of integrity and the extent to which they have been modified or added onto since the 1998 booklet was published. This visit would happen in early August and the results would then be compiled in preparation for a second site visit soon thereafter in the company of Daina Penkiunas, the Deputy State Historic Preservation Officer, who has the final say on historic district boundaries.

After Ms. Penkiunas has established where the historic district boundaries will be, the intensive survey of the campus will be complete, a new historic district map will be prepared, the first public meeting can be held, and work on the National Register nomination can then begin. Also, at this point, a request for compensation in the amount of \$2,000.00 will be submitted for payment of work associated with the Intensive Survey.

Subsequent visits to the site will be made as necessary in order to obtain information about the College and the buildings in the district, and the necessary photos of the district's buildings will be taken late in the fall of 2015. After the necessary research has been completed, work on the writing of the nomination itself will begin, probably in January and February of 2016, and the completed nomination will then be submitted to the SHPO on or before March 8, 2016, at which time a request for additional compensation in the amount of \$5,000.00 will be submitted for payment of work associated with the production of the nomination.

Once the nomination has been submitted, some time will elapse before the SHPO completes a technical review of the nomination. The SHPO will then place the nomination on the agenda of the State Historic Preservation Review Board and once that date is confirmed, the second public meeting can be held. The nomination will then be presented to the Review Board and its acceptance will mark the completion of the project.

St. Norbert College Historic District Proposal

References:

Mr. John Decker
Evansville Historic Preservation Commission
Evansville City Hall
31 South Madison St.
P.O. Box 76
Evansville, WI 53536
(608) 882-5528

Mr. Joseph R. Carroll
Director
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Platteville, WI 53818-0780
(608) 348-9741 (ext.2235)

Mr. Brian Standing
Senior Planner
Dane County Planning & Development
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City-County Building
Madison, WI 53709
(608) 267-4115

Mr. Michael Ostrowski
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Ms. Amy Scanlon
Department of Planning and Community Development
City of Madison
215 Martin Luther King Blvd.
Madison, WI 53701-2985
(608) 266-6552

City of De Pere, Wisconsin**Request For Historic Preservation Commission Action**

MEETING DATE:	July 20, 2015
DEPARTMENT:	Planning
FROM:	Sarah Wallace
SUBJECT:	Update on 2015-2017 State Budget and the Wisconsin Historic Tax Credit Program.

An update will be provided at the meeting.

City of De Pere, Wisconsin**Request For Historic Preservation Commission Action**

MEETING DATE: July 20, 2015

DEPARTMENT: Planning

FROM: Sarah Wallace

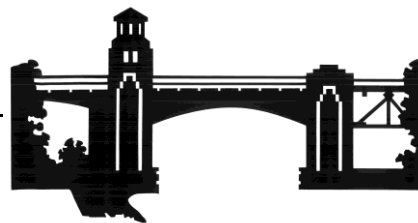
SUBJECT: Review of Process and information for Local Historic Districts within the City.

ATTACHMENTS:

- Local Historic District_7.15 MEMO (PDF)
- Chapter_38__HISTORIC_PRESERVATION (DOCX)

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



July 14, 2015

To: Historic Preservation Commission

From: Sarah Wallace, Associate Planner

RE: Review of Process and Information for Local Historic Districts within the City

City Staff has been notified of interest to create local historic district(s) from property owners/Historic Preservation Commission (HPC) Members in the City. It has been suggested to send out information or to have informational meetings to discuss and understand the interest that exist. Staff would like to discuss with HPC what a local historic district is, what it means and how it differs from a State/National District along with discussion on the process for the creation of a district. This memo will serve as a starting point for discussion at our upcoming meeting on July 20th.

The City's Code of Ordinances defines the authority and process for which a local district or a local historic site or historic structures are designated (see attached). The process for a local site or structure is different than a local district.

Generally: A local site or structure would be designated upon the request of the property owner, with HPC to recommend designation. Once a local site or structure is designated, this designation will be recorded on the Deed. For designation of a Local Historic District, the Commission shall have the power to recommend designation. The process for designation is: the HPC shall select the defined areas to be designated, prepare a preservation plan for the area, and follow the guideline criteria (within the City Code) to be considered in the development of the district. The process for approval: HPC holds a public hearing for consideration of the district and vote to recommend, reject, or withhold action on the plan. It is then forwarded to the City Plan Commission for review and recommendation and is then forwarded on to the City Council, which will hold an additional public hearing and make a final determination.

The City's Code of Ordinances also states that the HPC may adopt specific operating guidelines for historic structure, historic site, and historic district designation. Staff would like to review the processes for these designations at our upcoming meeting for both districts and sites/structures, and start the discussion for HPC to create the "operating guidelines". Staff would also recommend to create fact sheets that detail out what a State/National district is and what a Local Historic District is; along with identifying the differences between them.

Options for what could be included in the operating guidelines:

- Specific applications for a historic structure/site and one for creation of a historic district
- Creation of an information sheet for the application that describes the process and timelines for an application

Attachment: Local Historic District_7.15 MEMO (3707 : Local District)

- Expression of interest from property owners within the district as part of the application process
- “Champion” of the district that is recommending the formation of the district (this would be a property owner within the said district)
- Other options to clearly identify what the process would be and who would be bringing forward requests and how those requests are brought forward

Staff would also recommend creating a Certificate of Appropriateness Fact Sheet that describes what it is and when one is needed.

These items are all part of a discussion that will take longer than this one meeting. Staff is looking for direction and information from HPC as to how they would like to proceed.

Chapter 38 - HISTORIC PRESERVATION

FOOTNOTE(S):

--- (1) ---

Cross reference— Platting and division of land, ch. 46; building code, ch. 54; zoning, app. A.

Sec. 38-1. - Purpose and intent of chapter.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- (2) Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the city.
- (7) Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.

(Code 1974, § 11.01; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of an historic structure, historic site, or any improvement in an historic district.

City means City of De Pere, Wisconsin.

Commission means the historic preservation commission created under this chapter.

Historic district means an area designated by the common council, on recommendation of the commission, that contains two or more historic improvements or sites.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humans, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation, and which has been designated as an historic structure pursuant to the provisions of this chapter.

Improvement means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement parcel means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

(Code 1974, § 11.02; Ord. No. 02-01, § 1, 1-2-2002)

Cross reference— Definitions, § 1-3.

Sec. 38-3. - Historic preservation commission; composition.

An historic preservation commission is hereby created, consisting of seven members. Of the membership, if available in the community, one shall be a registered architect; one shall be an historian; one shall be a licensed real estate broker; one shall be a council member; and three shall be citizen members, one of which must reside within an historic district. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the common council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(Code 1974, § 11.03; Ord. No. 02-01, § 1, 1-2-2002)

Cross reference— City administration, ch. 10.

Sec. 38-4. - Historic structure, historic site and historic district designation criteria.

- (a) For purposes of this chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts which:
 - (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nature, state, or community;
 - (2) Are identified with historic personages or with important events in national, state, or local history;
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - (4) Are representative of the notable work of a master builder, designer, or architect who influenced his or her age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this chapter.

(Code 1974, § 11.04; Ord. No. 02-01, § 1, 1-2-2002; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 38-5. - Powers and duties of commission.

- (a) Designation. Upon request of the property owner, the commission shall have the power, subject to section 38-6, infra, to designate historic structures and historic sites. The commission shall have the power to recommend designation of historic districts within the city limits. Such designations shall be made based on section 38-4, supra. Historic districts shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.
- (b) Regulation of construction, reconstruction, alteration, and demolition.
 - (1) No owner or person in charge of an historic structure, historic site, or structure within an historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties, or cause or permit any such work to be performed upon such property, or demolish such property unless a certificate of appropriateness has been granted by the historic preservation commission. Unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
 - (2) Upon filing of any application for a certificate of appropriateness with the commission, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon an historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
 - e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;
 - f. Except as provided herein, in the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any authorized public official or agency, the commission may defer the granting of approval for a period of up to six months from the time of such application, during which time the commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this six-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is under way, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to

preserve the subject property have been obtained and available for disbursement within a period of two months following the end of such six-month period, the building inspector may issue the permit to demolish the subject property without the approval of the commission.

- (3) In addition, in determining whether to issue a certificate of appropriateness, the commission shall consider and may give decisive weight to any or all of the following standards:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (4) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district and with the above guidelines, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The commission shall make this decision within 45 days of the filing of the application. Failure of the commission to act upon a request for a certificate of appropriateness within 45 days shall result in the issuance of such certificate.
- (5) Agencies of the city and all public utility and transportation companies undertaking projects affecting historic structures, historic sites, or historic districts shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the city.
- (6) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit

shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the city shall apply unless waived by the appropriate state or city officials. The commission may support or propose such waivers before the appropriate state or city appeals body.

- (7) Compliance with certificates of appropriateness shall be started within 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.
- (8) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided the work involves repairs to existing features of an historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) Appeals. Should the commission deny a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common council within 30 days. In addition, if the commission denies a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.
- (d) Recognition of historic structures, sites, and districts. At such time as an historic structure, site, or district has been properly designated, the commission may cause to be prepared and erected on such property, at city expense, a suitable plaque declaring that such property is an historic structure, site, or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction, and other information deemed proper by the commission.
- (e) Other duties. In addition to those duties already specified in this section, the commission shall:
 - (1) Work for the continuing education of the citizens about the historical heritage of the city and the historic properties designated under the provisions of this chapter.
 - (2) Cooperate with the state historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
 - (3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

(Code 1974, § 11.05; Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-6. - Procedures.

- (a) Designation of historic structures and historic sites.
 - (1) The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section 38-4, above. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 100 feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation.

Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority, parks department, fire and police departments, health department, building inspection department, and plan commission. Each such department may respond to the commission with its comments on the proposed designation or rescission.

- (2) The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either an historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspection department, plan commission, and the city assessor. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.
- (b) Designation of historic districts.
- (1) For preservation purposes, the historic preservation commission shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the city planning department, prepare an historic preservation plan in ordinance form for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, which:
 - a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community;
 - b. Is identified with historic personages or with important events in national, state, or local history;
 - c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods, or construction, or of indigenous materials or craftsmanship;
 - d. Is representative of the notable works of master builders, designers, or architects who influenced their age; or
 - e. Has yielded, or may be likely to yield, information important to history or prehistory.
 - (2) Each historic preservation plan prepared for or by the historic preservation commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
 - (3) Guideline criteria to be considered in the development of historic district plans are as follows:
 - a. Regulation of construction, reconstruction, alteration, and demolition shall conform to the criteria and standards in subsections 38-5(b)(1)—(3).
 - b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
 - c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 - d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
 - e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
 - f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which they are visually related.

- g. The existing rhythm created by existing building masses and spaces between them should be preserved.
 - h. The materials used in the final facade should be visually compatible with the buildings and environment with which they are visually related.
 - i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.
 - k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
 - l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
 - m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
 - n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
- (4) Review and adoption procedure.
- a. Historic preservation commission. The historic preservation commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the historic preservation commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the city plan commission and the common council.
 - b. The city plan commission. The plan commission shall review the historic district plan and make a recommendation to the common council. The plan commission shall make its recommendation on the historic district plan within 45 days.
 - c. The common council. The common council, upon receipt of the recommendation from the historic preservation commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection a., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-7. - Interim control.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the historic preservation commission at which a nomination form is first presented until the final disposition of the nomination by the historic preservation commission

or the common council unless such alteration, removal, or demolition is authorized by formal resolution of the common council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-8. - Conformance with regulations.

- (a) Every person in charge of an historic structure, historic site, or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this chapter. During the period of the certificate, the duties of the inspection officer may include periodic inspection at intervals provided by the common council of designated historic structures, historic sites, and historic districts.
- (b) Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair, including, but not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;
 - (2) The deterioration of roofs or other horizontal members;
 - (3) The deterioration of external chimneys;
 - (4) The deterioration or crumbling of exterior plasters or mortar;
 - (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
 - (6) The peeling of paint, rotting, holes, and other forms of decay;
 - (7) The deterioration of surrounding environment; e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
 - (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; or
 - (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.
- (c) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.
- (d) The building inspector shall give the commission notice of properties which, in his/her opinion, are unfit for human habitation, occupancy, or use prior to issuance of any raze orders under state statutes or municipal ordinances.
- (e) Insofar as they are applicable to an historic structure, historic site, or improvement in an historic district designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-9. - Penalties for violations.

Any person or persons violating any provision of this section may be fined no less than \$200.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-10. - Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, site, or a property in an historic district, the city may order the remedying of these conditions without the approval of the commission. The city shall promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the city shall make every effort to carry out the intent of this chapter and to use the design guidelines of the commission when remedying the emergency conditions.

(Ord. No. 02-01, § 1, 1-2-2002)

Sec. 38-11. - Separability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. No. 02-01, § 1, 1-2-2002)

City of De Pere, Wisconsin**Request For Historic Preservation Commission Action**

MEETING DATE:	July 20, 2015
DEPARTMENT:	Planning
FROM:	Sarah Wallace
SUBJECT:	Information Items - St. Norbert College Walking Tour Presentation and Wisconsin Association of Historic Preservation Commissions Presenter.

For your information, please be advised that on Saturday October 10th at 10:50 am -12:00pm Creating a Historical St. Norbert College Walking Tour Presentation will take place at the Wisconsin Historical Society and Local History State Conference, Marriott Hotel, Stoughton WI.

Also, On April 22-23, 2016 the Wisconsin Association of Historic Preservation Commissions will be hosting Bill Schmickle as a key presenter, author of "Preservation Politics: Keeping Historic Districts Vital". This will take place at Heritage Hill.

City of De Pere, Wisconsin



Request For Historic Preservation Commission Action

MEETING DATE: July 20, 2015
DEPARTMENT: Planning
FROM: Sarah Wallace
SUBJECT: Future Agenda Items.
