It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

CITY OF MENASHA
LANDMARKS COMMISSION
Council Chambers
140 Main Street, Menasha

February 11, 2015

5:00 PM

AMENDED AGENDA

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE
   1. Minutes of the January 13, 2015 Landmarks Commission Meeting

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE LANDMARKS RESPONSIBILITIES OF THE LANDMARKS COMMISSION
   Five (5) minute time limit for each person

E. COMMUNICATIONS
   1. Wisconsin Landmarks Newsletter

F. ACTION ITEMS
   1. Façade Improvement Loan Subordination – 192 Main Street

G. DISCUSSION
   1. 212 Main Street – Comm. Mayer
   2. Recognition Plaque
   3. Landmarks Commission Powers and Duties
      a. Sec. 2-4-8(e) of the Landmarks Commission Ordinance
   4. Disposition of Columns and other Architectural Artifacts
   5. Future Landmarks Commission Activities/Projects
      a. Photo Contest
      b. Bridge Tower Museum
   6. Façade Improvement Program Grant/Loan Balance

H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA
   Five (5) minute time limit for each person

I. ADJOURNMENT

If you are not able to attend this meeting, please contact the Community Development Department no later than the Monday prior to the meeting.

Menasha is committed to its diverse population. Our Non-English speaking population or those with disabilities are invited to contact the Community Development Department at 967-3650 at least 24-hours in advance of the meeting so special accommodations can be made.

CITY OF MENASHA
Landmarks Commission
Council Chambers, 3rd Floor, City Hall – 140 Main Street
January 13, 2015
DRAFT MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Grade at 4:30 PM.

B. ROLL CALL/EXCUSED ABSENCES

LANDMARKS MEMBERS PRESENT: Ald. James Taylor and Commissioners Alison Mayer, Paul Brunette, and Tom Grade.

LANDMARKS MEMBERS EXCUSED:

LANDMARKS MEMBERS ABSENT:

OTHERS PRESENT: CDD Keil, Dean Wydeven and Nick Jevne

C. MINUTES TO APPROVE

1. **Minutes of the November 12, 2014 Landmarks Commission Meeting**
Motion by Comm. Burnette, seconded by Ald. Taylor to approve the November 12, 2014 Landmarks Commission meeting minutes. The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE RESPONSIBILITES OF THE LANDMARKS COMMISSION

No one spoke.

E. COMMUNICATIONS

1. **Columns Newsletter – Nov 2014 – Jan 2015**

F. ACTION ITEMS

1. None.

G. DISCUSSION ITEMS

1. **Future Landmarks Commission Activities/Projects**
   - Placement and configuration of columns
   - Disposition of columns and other architectural artifacts (CDD Keil is to review the Landmarks Commission Ordinance and provide commentary relative to the scope of activities that are within the purview of the Landmarks Commission)
   - Photo contest
   - Bridge Tower Museum (place some of the stone lion heads inside)
   - 212 Main Street preservation
   - Recognition plaque - (to be placed on the February meeting agenda)
2. **Façade Improvement Program Grant/Loan Balance**
Balance remains at approximately $5,000.

H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Dean Wydeven commented on opportunities to deal creatively with the wall that is now exposed on the east side of 165 Main Street. Nick Jevne commented on the reclamation of architectural elements from the hotel and bank buildings.

I. ADJOURNMENT

Motion by Comm. Brunette, seconded by Comm. Mayer to adjourn at 5:35 PM. The motion carried.

Respectfully submitted by CDD Keil.

Volume 28, Issue 3 Waupaca, Wisconsin October 2014

Wisconsin Landmarks Newsletter

WAHPC Members
Commissions:

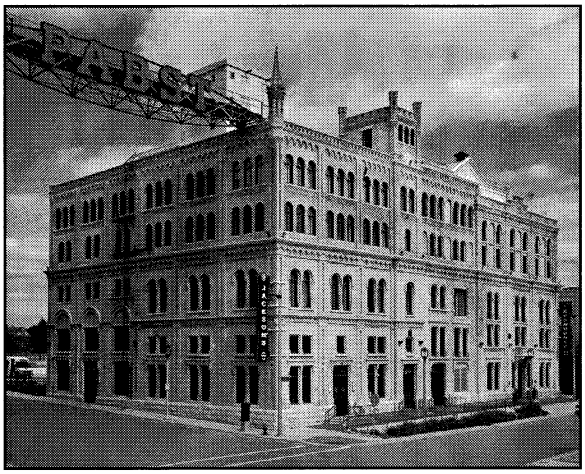
Appleton
Beloit
Cedarsburg
Columbus
Eau Claire
Evansville
Fond du Lac
Hales Corners
Janesville
La Crosse County
Lake Geneva
Madison
Marshfield
Menasha
Milton
Milwaukee
Monroe
Neenah
Neilsville
New Berlin
Oregon
Oshkosh
Reedsburg
Richland Center
River Falls
Sauk City
Stoughton
Thiensville
Waukesha
Waupaca
Town of Westport
Whitewater
Winneconne

Individuals:

Mary Poser, *Columbus*
Bill and Lynn Weinshrott, *Fond du Lac*
Judith Adler, *Janesville*
Carol Krug, *Madison*
Ruth Voss, *Marshfield*
Buddy Lucero, *River Falls*
Kathy Grace, *Winneconne*

Wisconsin Association of Historic Preservation Commissions

Awards Continue for Brewhouse Inn and Suites



In addition to a Mayor's Design Award and being named one of "Preservation's Best" by the Preservation Alliance and the National Trust for Historic Preservation, the project has now been awarded the 2014 Historic Restoration Award from the Wisconsin Historical Society.

Gorman and Company Inc. of Oregon, Wisconsin received the award for the interior and exterior restoration.

The project converted the vacant Pabst Blue Ribbon brewery, into a 90-room, extended stay hotel while maintaining the character of the original brewery. The conversion showcases some of the building's original features , including a five-story central atrium with six massive copper brew kettles and a stained-glass window featuring King Gambrinus, often called the patron saint of brewers.

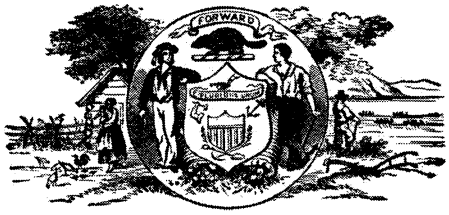
The restoration was a Leadership in Energy and Environmental Design-certified project for saving or reusing much of the building's historic fabric. All of the headboards and tables in the suites were created from salvaged heavy timbers removed from the building during its rehabilitation.

Around the State

Two historic buildings at the former Pabst Brewing Company Complex will see new life as apartments under a proposal from a Florida developer. The attached buildings 24 and 25 at *The Brewery* would become 118 market-rate apartments under the proposal. The project is expected to cost $29 million.

Harvey Hall Theatre at University of Wisconsin-Stout recently was added to the registry of the *League of Historic American Theatres.*

Downtown Milwaukee's Germania Building will be converted from an underused office building into 74 two-bedroom and three-bedroom apartments, along with street-level commercial space.



Wisconsin Association of Historic Preservation Commissions

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914 Maple Street
Winneconne, WI
54986 (920) 582-3256
gendiva@charter.net

Vice President
Peter Sorensen
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Fond du Lac, WI 54935
(920) 923-0657

Secretary
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wisconsinhistory.org

WAHPC
PO Box 166,
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WAHPCmail@gmail.com

Awards Across the State

The Wisconsin Historical Society has awarded the Historic Preservation Award to Carolyn Rock of Whitefish Dunes State Park for her 15-year effort to help protect shipwrecks, promote Door County's maritime heritage and further the efforts of Wisconsin's Maritime Trails initiative.

Carolyn Rock with Tamara Thomsen

Cream of the City Awards presented by the Milwaukee Historic Preservation Commission

1. Iron Block Building Partners/Dental Associates for the restoration of the Iron Block Building located at the intersection of North Water Street and East Water Street.
2. Eric Vogel and Megan Holbrook for the "sensitive addition" to the Frank Ward Smith House at 2405 East Wyoming Place.
3. Frank Lloyd Wright Wisconsin Heritage Tourism Program, Inc. for the restoration of the American System Built Homes Model Two Flat "C" located at 2733-2734 West Burnham Street.

Madison Trust for Historic Preservation Awards

4. TDS Custom Construction for restoration of The Worden House, 640 East Gorham Street

Appleton

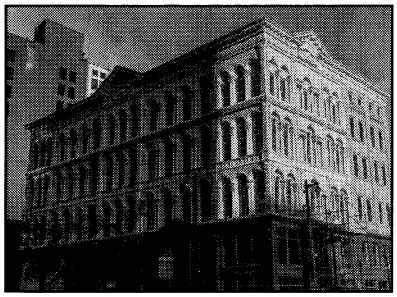
5. Appleton Historic Preservation Commission presented a Stewardship Certificate Award to Karen Rashke for maintaining the exterior to its true design

Town of Cedarburg

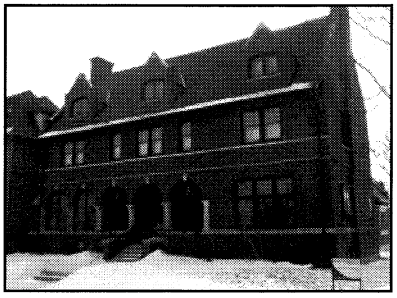
The Town of Cedarburg Landmarks Commission presented their 2014 preservation award to Roger and Fran Bentz for preserving the Bentz farmstead, the last remaining dairy farm in the Town.

Oshkosh

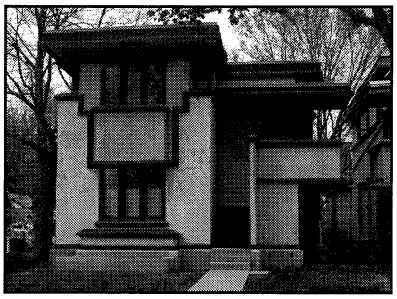
The Landmarks Commission presented Christine Ann Domestic Abuse Services, Inc. the 2014 Acanthus Historic Preservation Award for the addition at 206 Algoma Blvd and more specifically for the sensitive design of an addition to a historic property using elements that are sympathetic to the aesthetic designed by architect William Waters.



1. Iron Block Building

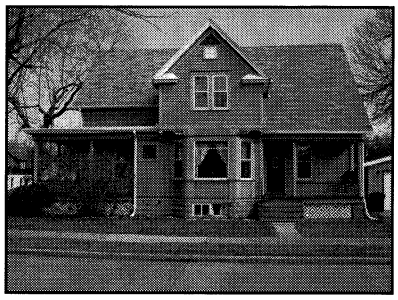


2. Frank Ward Smith House, an Alexander Eschweiler design



3. Frank Lloyd Wright American System Home

4. The Worden House, Madison



5. 602 North Rankin Street, Appleton

2014 Historic Preservation Award/ *Commercial*

Bonnie and Jerry Thiel of Oregon were presented with the award to highlight the restoration and rehabilitation work done on the Masonic Lodge in Oregon to transform it to "Mason's on Main", a fine dining and drinking establishment.

The Masonic Lodge building was constructed in 1898 and was the first building in Oregon to be placed on the National Register of History Places. The previous owner did not maintain the building. Bricks were falling from the parapets and there was a large hole in the roof. At this point the only recourse the Village had was to "demolish any building that had become a hazard to public safety through lack of maintenance.

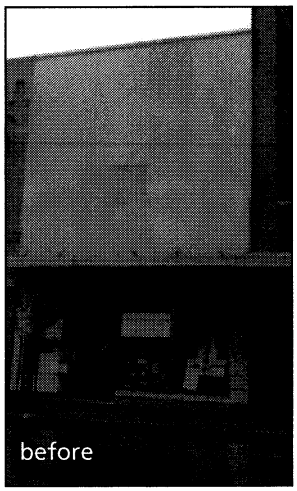
In reaction the Historic Preservation Commission adopted a maintenance ordinance for the Downtown Historic District. Combined with efforts by the Village, the new code and concerned businesses, Bonnie and Jerry Thiel were able to purchase the building and immediately stop the rapid deterioration.

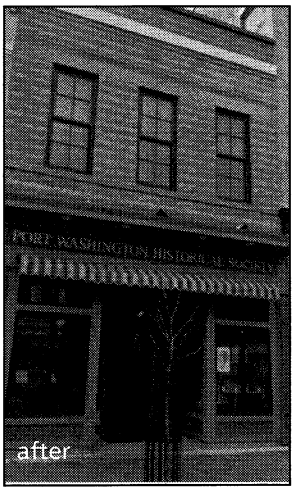
Working closely with the Historic Preservation Commission to work out details, restoration was completed that included roof and structural repairs, rebuilding walls, tuck pointing, windows, and more.

The result has turned a deteriorating landmark into a vibrant building in the center of the downtown historic district.

Port Washington Historical Society Wins 2014 Historic Preservation Excellence Award

A Historic Preservation Excellence Award / Non-profit was given to the Port Washington Historical Society for historic renovation and rehabilitation work by a non-profit.





Built in 1852 the Blake building at 205 N. Franklin Street is one of the oldest buildings in the Franklin Street Historic District. Barnum Blake was involved in the early development of Port Washington after moving to the area in 1848.

The building was purchased by the Port Washington Historical Society in 2012 and rehabilitation work took place from the fall of 2012 through the fall of 2013. Two additions had been made to the building, one in the early 1900s and one in the 1950s. The Society chose to restore to the 1900s date. Restoration work was done on the wood floors, plaster walls and tin ceiling. The façade was restored to the 1900s look of Cream City Brick with appropriate windows.

Over $420,000 was put into the building to replace all the building's mechanical systems, roof, ceiling panels, carpets, interior trim and doors. The Port Washington Historical Society did fund-raising for every phase of the restoration and is proud to say that the project is completed and they are debt-free.

Research Contribution Recognized by WAHPC and the City of Algoma

PHOTO COURTESY OF KEWAUNEE COUNTY STAR NEWS

Harold (Hans) Nell and Wes Cox Sr. of Algoma

What started as a search for history on a single home in Algoma has culminated in an outstanding reference project covering all the homes in the city of Algoma and many in the Town of Ahnapee.

Wes Cox, Sr. was interested in the home in which he resided and while doing research he met Harold (Hans) Nell at the Algoma Public Library while both were using newspaper microfilm. The two men combined forces and were able to find complete historic information regarding Mr. Cox's home. They decided to do histories of all the homes on the street and the project expanded until they had chronicled the history of more than 1300 homes in the city and 400 from the town of Ahnapee.

The duo collected information from newspapers, tax and land records, histories of the area, commemorative biographies, plat maps and Sanborn fire maps. Each home includes information not only about the buildings but about the residents. The project spans the years of 1860 to 2012 and notes changes in the original structures as evidenced by building permits. It also includes the history of the buildings and occupants for more than 100 homes that no longer exist.

All of the information was compiled to create the 19-volume, 8,000-page reference which is housed at the Algoma Public Library and free for anyone interested to peruse and reference. The reference work is indexed by owner's surname and by street address.

As well as being awarded the Wisconsin Association of Historic Preservation Commissions 2014 Preservation Research Award, the pair was honored by a proclamation from the city of Algoma for their work in historic documentation.

Mr. Cox passed away on May 19, 2014. It was fortunate that his efforts were acknowledged in his lifetime.

Buy a Historic Home for $1.00

In 2012 the city of Baraboo purchased the Charles Ruhland house located at 213 Lynn Street with the intention of razing the building as part of Baraboo Ringling Riverfront Development. After the raze order was issued Alderman Mike Plautz did further research on the building and asked the council to reconsider the order because of the historic significance of the home. It was built in 1909 by Charles Ruhland, a local brewery owner. The order was rescinded by a 5-4 vote of the council.

Local residents formed the Friends of Historic Ruhland House to consider possibilities for the property. In 2013 the City sold the property to the Sauk County Historical Society for $1 with the stipulation that the Society take on the responsibility for maintaining the property and work to find a qualified buyer to restore the home for use as a business or residence. The Friends group organized a clean-up day and the house was included on the Historic Homes of Baraboo tour in June 2014.

The Society is now looking for a buyer who can present a plan and timeline for the renovation of the building. The buyer will need only pay $1 but must demonstrate the financial means for the renovation and must agree to occupy the building for at least five years.

Members of the friends group estimated that at least $70,000 in renovations will be necessary to restore the house to practical use. Some of the needed repairs include replacing or fixing the roof, stabilizing the northeast corner of the foundation, electrical rewiring, plumbing work and remodeling the kitchen.

Lac du Flambeau Boys Dormitory Renovated

Recently the Lac du Flambeau Tribal Historic Preservation Office held an open house at the Boys Dormitory to celebrate the completion of the restoration of a facility that is the symbol of a time in American history that resulted in much pain and humiliation for American Indians – the era of the government boarding school.

Restored Boy's Dormitory, built in 1905.

The project has been in the works for twenty years with the original decision to restore the building having been made in the early 1990s. Because of a construction project on Highway 47 in 2001-02 the tribe was able to secure some funds to hire a historic architect to do a feasibility study. The study showed it was a stable building despite its age and condition.

In 2008, a Save America's Treasures grant was received. Even with the grant there was a great deal of fundraising needed because the project by far exceeded the original cost estimates. The exterior work was completed in 2010 and the interior was finished in 2013.

Melinda Young, Tribal Historic Preservation Officer for Lac du Flambeau says the building will nurture what the boarding school sought to stamp out. The Boys Dormitory will now house the historic preservation office, Ojibwe language program, and cultural activities program.

The entire boarding school district is listed on the National Register of Historic Places.

Wisconsin Association of Historic Preservation Commissions Spring Conference

Theme: Mid-Century Modern
April 25, 2015
Pump House Regional Arts Center
La Crosse, Wisconsin

Board Happenings

Gene Hackbarth of the De Pere Historic Preservation Commission has been appointed as a member of the board to fulfill the term caused by the resignation of Patricia Wolfe.

John Decker is undertaking all the tasks needed to accomplish incorporation with the state, affiliation with the Wisconsin Historical Society and securing 501(c)3 status. The board approved expenses up to $1500 to accomplish this goal.

The Awards Committee (Arlan Kay and Rick Bernstein) has created categories for the Historic preservation excellence award. These will be distributed with the nomination form. Not all categories need be presented yearly.

The fall conference committee is preparing the table display for the Town Square. John Decker and Kathy Grace will be presenting information about WAHPC during a session at the conference.

The spring conference committee (Rick Bernstein, Tim Acklin, Pete Sorensen) have submitted a draft agenda for the conference to be held April 25, 2015 in La Crosse.

The board will be meeting (via conference call) bi-monthly on the third Tuesday of every other month beginning with November. If new business must be discussed between those meetings a special meeting may be called.

Wisconsin Association of
Historic Preservation Commissions
PO Box 166, Winneconne, WI 54986

Contributors

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Have a Story to Tell?

Have a story or historical tips you'd like to share? Put it in Wisconsin Landmarks. We are always looking for contributions or ideas for stories from our readers. Contact Kathy Grace at 920-582-3256 or by e-mail at gendiva@charter.net.

Wisconsin Landmarks Newsletter is published quarterly to inform and update local Historic Commissions and Indivdiuals on new historic information and up coming programs.

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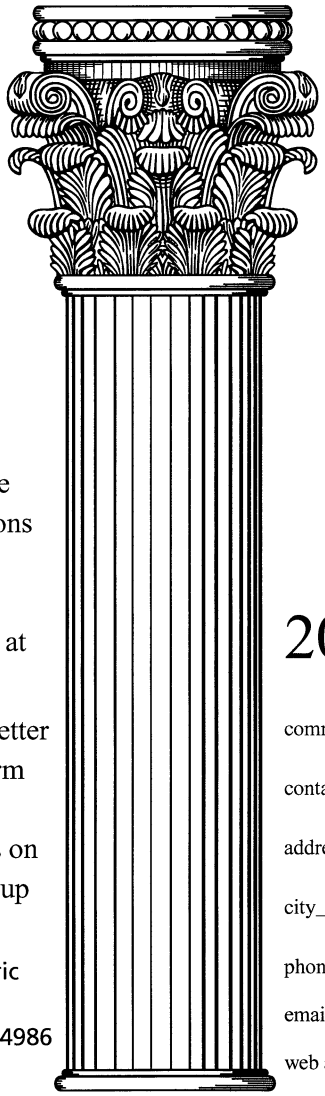

Interested in Preservation?

Then take the next step and become a member of Wisconsin Association of Historic Preservation Commissions. Join a vibrant community that enjoys, and takes pride in Wisconsin history. Help to ensure that we continue to support preservation for generations to come.

Please check one: ☐ Commission membership $40.00
Please include a copy of commission members name, address, phone and e-mails.

☐ Individuals and Groups $25.00

Send this form with check payable to WAHPC to:
WAHPC, PO Box 166, Winneconne, WI 54986

2014 Membership Form

commission name _____

contact person name _____

address _____

city _____ state _____ zip _____

phone _____

email _____

web address _____

From: wm.banti@lemonloveslime.com [mailto:wm.banti@lemonloveslime.com]
Sent: Monday, February 09, 2015 3:23 PM
To: Greg M. Keil
Cc: 'Joy Cha'
Subject: 192 Main St, Menasha, WI / Phase 3 - Basement Renovation Project

Hi Greg,

Nice speaking to you this afternoon.

I would like to further explain the reason for the subordination request by Chase Bank and the SBA. Currently the existing mortgage is in first position, with Chase Bank, for the property located at 192 Main St, Menasha, WI. The loan from the City of Menasha is currently in second position. Our objective with the new construction loan with Chase Bank and the SBA, is to combine our existing mortgage with the funds used from the approved construction loan to create a new mortgage, instead of carrying two mortgages on the property. By doing this, Chase Bank and the SBA will lose their current first position on the new mortgage to the City of Menasha's loan. Both the SBA and Chase Bank will not accept second position for the newly established mortgage and are requesting this Subordination from the City of Menasha, since they are carrying the majority of the financing for the property.

Phase 3 of the 192 Main St, renovation project includes renovating the basement area to a more functional work and storage space area. In the original appraised value of $243,000, completed by Chase Bank and used for underwriting purposes for the exterior and interior projects. The renovation of the basement was not considered or factored into the current appraised value for their purposes, since the basement project was not requested to be covered under the construction loan amount requested. The basement renovation will add another estimated $30-50 K to the current appraised value of the property once completed. The basement project consists of opening up existing floor space by the removal of two currently non load bearing framed rooms, removal of a framed, non load bearing 60' hall wall, improving and expanding existing west wall shelving units, updating electrical wiring and lighting overhead fixtures and an upgrade of plumbing, electrical, lighting and replacement of existing bathroom fixtures. We feel the 3,000+ sq. ft. of space in the basement should be utilized to its fullest potential.

Please let me know if you require any additional information.

Best regards,

Bill Banti

Billy Joy, LLC, Dba Lemon Loves Lime

350 Randy Rd
Suite 6
Carol Stream IL 60188

ORDINANCE O-13-08

AN ORDINANCE RELATING TO THE LANDMARKS COMMISSION

Introduced by Alderman Pamenter at the recommendation of the Landmarks Commission.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Title 2, SEC. 2-4-8 repealed and recreated to read as follows:

SEC. 2-4-8 LANDMARKS COMMISSION.

(a) The Landmarks Commission shall be organized by and function under the general direction of the Common Council.

(b) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character, special historic interest or value is a public benefit in that such protection, enhancement, perpetuation and continued use is believed to:

(1) Serve as a support and stimulus to business and industry, thereby strengthening the economy of the city.

(2) Safeguard elements of the City's historic and cultural heritage, as embodied and reflected in historic structures, sites, and districts.

(3) Stabilize and improve property values.

(4) Foster civic pride in the accomplishments of the past.

(5) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.

(6) Integrate the modern environment with historic buildings and sites.

(c) **DEFINITIONS.** The following words and terms wherever they appear in this chapter, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions found in any standard dictionary.

(1) Alteration. A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

(2) Commission. The Landmarks Commission created under this section.

(3) Certificate of Appropriateness. Document issued by the Landmarks Commission, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

(4) Historic Structure. 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 a historic structure pursuant to the provisions of this chapter.

(5) Historic Site. Any parcel of land whose historic significance is due to substantial value in tracing the history of aboriginal people, or upon which a

historic event has occurred, and which has been designated a historic site under this section, or an improvement parcel, or part thereof, on which is situated a 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.

(6) Historic District. An area designated by the Common Council on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of 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 a historic district pursuant to the provisions of this chapter.

(7) Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such improvement.

(8) Improved Parcel. 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 "improved parcel" shall also include any unimproved area of lands which is treated as a single entity for such tax purposes.

(d) **COMPOSITION AND TERMS.**

(1) A Landmarks Commission is created whose members shall be appointed by the Mayor, subject to the confirmation by the Common Council, as follows:

a. Community Development Director as an ex officio, non-voting member;
b. Six members at large;
c. An Alderman appointed for one (1) year at annual reorganization meeting.

(2) The Mayor shall consider prospective member's interest, knowledge, or expertise in historical, architectural, geological, archeological, or cultural preservation. Consideration shall also be given as to whether any member owns property in the designated historic district or a building otherwise designated as historic by the commission.

(3) All at large members shall be appointed for three-year terms with the first appointments staggered such that three of the original appointees serve three-year terms, two serve two-year terms and the remaining member serves a one-year term. The alderman member shall be appointed by the Mayor and confirmed by the Common Council at its annual organization meeting. The Community Development Director shall serve in an advisory capacity to the Landmark's Commission for an unlimited term.

(4) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(5) The Landmarks Commission shall select a chair, vice-chair and secretary and shall then adopt rules and regulations for its operation consistent with the provisions of this section.

(e) **POWERS AND DUTIES.** The Landmarks Commission shall have the following powers and duties:

(1) To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as landmarks, landmark sites, historic districts or specially designated landmarks.

(2) To identify landmarks, landmark sites, and historic districts within the City subject to official designation by the Common Council; and which upon such official designation shall be subject to the provisions herein.

(3) Other Duties. In addition to those duties already specified in this Section, the Commission shall:

a. Cooperate with the historic preservation officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.

b. Where necessary and appropriate recommend to the Planning Commission that the City acquire an interest in historic properties by purchase, donation or bequest, including the use of "preservation easements", where appropriate.

c. Establish appropriate markers for officially designated landmarks and historic districts.

d. Promote public education, interest and support for the preservation and enhancement of historic landmarks, landmark sites, and historic districts.

e. To advise owners of landmarks, landmark sites or structures of the benefits, problems and techniques of preservation and encourage their participation in preservation activities.

(f) **BUDGET AND FINANCE.** For the purposes enumerated in Section 1(b) of this Chapter, the Landmarks Commission may:

(1) Any funds deemed necessary shall be included in the Community Development Department budget. The Community Development Director shall monitor all expenditures consistent with City policy.

(2) Upon authorization by the Common Council, apply for state and/or federal funding.

(3) Upon authorization by the Common Council, raise funds and accept grants or gifts from public and private sources. Such funds shall be placed in a separate account as may be established by the City Comptroller and may be used upon authorization by the Common Council.

(4) Recommend contracting for services using such funds as may be authorized in the Community Development Department's budget or from other sources as may be approved by the Common Council. All such contracts require Common Council approval and shall be administered by the Community Development Director.

(g) **DESIGNATION OF HISTORIC STRUCTURES.** For purposes of this ordinance, a 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 nation, state, or community; or

(2) Are identified with historic personages or with important events in national, state, or local history; or

(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; or

(4) Are representative of the notable work of a master builder, designer, or architect who influenced his age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

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 (4), above. At least 10 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 or 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, plan commission, and the city assessor. 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 a 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 property owner may appeal such decision to the common council within 30 days. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(h) **DESIGNATION OF HISTORIC SIGNS.**

(1) A sign may be designated to be eligible for listing on the Historic Sign Inventory when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) or more of the following criteria:

a. Is identified with the history of a product, business or service advertised.

b. Reflects the history of the building or a Historic District on/in which the sign is located.

c. Is integrated into the architecture of the building on which they sign is located and may be exemplary of a historically significant architectural style of the building.

d. The sign, if removed from a Historic Structure, will harm the integrity of the building or cause significant damage to its materials.

e. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.

f. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history.

(2) The Commission may, after notice and public hearing, evaluate and designate a sign as historically significant or recommend rescinding a previous designation of historical significance upon application of criteria provided in this section above. A review of eligibility for listing on the Historic Sign Inventory may be initiated by the Landmarks Commission or the owner of an improvement parcel which contains a potential Historic Sign. Where a property owner petitions the Commission to review eligibility for listing on the Historic Sign Inventory, the owner shall provide sufficient supporting documentation for Commission evaluation.

At least ten (10) days prior to such hearing, the Commission shall, by regular mail or person service, notify persons listed as owners of relevant improvement parcels containing a potential Historic Sign and owners of improvement parcels sistuated within one hundred (100) feet of the boundary of the improvement parcel containing the potential Historic Sign of the date, time and place of hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the Director of the Department of Community Development. The Department of Community Development may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the sign in issue and direct the conduct of an independent investigation into the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing.

The Commission shall approve or deny the designation of the sign as a Historic Sign. If approved for designation as a Historic Sign, the Commission shall direct that it be included on a Historic Sign Inventory and, if located on a building or structure designated as a Historic Structure or site, identified as such. Historic signs shall be exempt from the provision of Article F of the Menasha Code of Ordinances. The Historic Sign Inventory shall be on file and available for public inspection in the Community Development Department.

(i) **PRESERVATION AND ADOPTION OF HISTORICAL PROPERTIES.** Guideline criteria in the development of historic district plans are as follows:

(1) Regulation of construction, reconstruction, and exterior alteration shall conform to the criteria and standards in subsection (G)(1).

(2) All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.

(3) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

(4) In the street elevation of a building, the proportion between the width and height in the façade should be visually compatible with the building and environment with which it is visually related.

(5) The proportions and relationships between doors and windows in the street façade should be visually compatible with the buildings and environment with which it is visually related.

(6) The rhythm of solids to voids, created by openings in the façade, should be visually compatible with the buildings and environment with which they are visually related.

(7) The existing rhythm created by existing building masses and spaces between them should be preserved.
(8) The materials used in the final façade should be visually compatible with the buildings and environment with which they are visually related.
(9) The texture inherent in the façade should be visually compatible with the buildings and environment with which it is visually related.
(10) Colors and patterns used on the façade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.
(11) The design of the roof should be visually compatible with the buildings and environment with which they are visually related.
(12) 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.
(13) The street façade 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.
(14) 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.

a. Review and adoption procedure.

1. Landmarks Commission
The Landmarks commission shall hold a public hearing when considering the plan for a 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 Landmarks 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.

2. 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.

3. The Common Council
The common council, upon receipt of the recommendation from the Landmarks commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection 1., 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. Property owners may appeal such decision to the common council within 30 days.

(j) REGULATION OF CONSTRUCTION, RECONSTRUCTION, AND EXTERIOR ALTERATION.

(1) Certificate of Appropriateness. A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void. Acceptable exterior

alterations include, but are not limited to, the construction of additions, the installation of siding, windows, doors, awnings, and signage, or the application of paint or other exterior coatings.

a. Such application shall contain a description and sketch of the proposed changes.
b. A copy of the procedures for Landmarks Commission review shall be provided in writing to each applicant.
c. Within ten (10) days of the referral from the Director of Community Development, the Landmarks Commission shall schedule a meeting to review said application. The Landmarks Commission shall utilize the following criteria to evaluate the appropriateness of the proposed change.
    1. In the case of a designated historic district, structure or site, the proposed work should not detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and,
    2. In the case of the construction of a new structure upon a historic site, the exterior of such improvement should not adversely affect the external appearance of other neighboring improvements. Such improvement shall also harmonize with the external appearance of other neighboring improvements on such site; and,
    3. In the case of any property located in a designated historic district the proposed construction, reconstruction, or exterior alteration shall conform to the objectives and design criteria of the Historic Preservation Plan.

(2) If the Landmarks Commission determines the landmark, landmark site, or property within a historic district would be adversely affected by the proposed change or if for any other reason the Commission rejects the request, the Commission shall state in writing the reasons.

(3) Should the Landmarks Commission fail to act within the specified time period or refuse to issue a certificate of appropriateness due to the failure of the proposal to meet the guidelines, the applicant may appeal to the Common Council.

If a Certificate of Appropriateness is granted, building permit applications shall be made to the Director of Community Development. The application for a Certificate of Appropriateness must be signed by the owner or his authorized representative, and the form must be signed by the chairman of the Landmarks Commission stating its approval, denial, or approval with conditions and the reasons for the decision.

(4) When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. The Secretary's Standards for Rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will 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 elements from other buildings, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will 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.

(k) **REGULATION OF DEMOLITION AND NEW CONSTRUCTION.** No portion of a designated historic structure or site shall be demolished, nor shall a new building be constructed or new use established in a historic district unless such demolition, construction or use complies with this Section.

(1) A permit is required as described in Section (g). Application shall be made to the Director of Community Development utilizing the procedures enumerated in Section (g)(1-2).

(2) In determining whether to issue a certificate of appropriateness for demolition, new construction or alternate use, the Landmarks Commission shall consider:

a. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it.
b. Whether any prospective new structure, or change in use would be compatible with the buildings and environment or the district in which the subject property is located.
c. Whether the building or structure is of such architectural or historic significance that this demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the state.
d. Whether demolition of the property would be contrary to the purpose and intent of this chapter and to the objectives of the Historic Preservation Plan.
e. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
f. Whether retention of the building or structure would encourage study of American history, architecture and design or develop and understanding of American culture and heritage.

(4) These provisions shall not apply to any building or structure which has been determined by the Building Inspector in consultation with the Community Development Director to fulfill the requirements of Sec. 66.05 Wis. Stats., and Sec. 11-7-5 and Sec. 15-5-13 City of Menasha Code, or if the City or any other governmental entity is proceeding under Ch. 32 Wis. Stats.

(l) **PENALTIES.**

(1) Any person who alters, or constructs a building or structure in violation of this chapter shall be required to restore the building or structure and its site to its appearance prior to the violation. Such restoration shall be completed within such time frame as set by the Landmarks Commission using materials, building design and construction methods approved by said Commission. Failure to complete the restoration in conformance with the requirements of the Landmarks Commission shall constitute a violation of this ordinance. Violations shall be subject to the penalties listed in Section 13-1-135 of the Menasha Code of Ordinances. Each day the violation continues shall constitute a separate offense.

(2) Any person who demolishes a building or structure in violation of Section (h) shall forfeit a sum equal to fifty percent (50%) of the value of the building or structure, should the Landmarks Commission and Common Council make a finding after a hearing that the demolished structure had major historical significance. The value shall be determined by using the assessed value from the previous year's property tax assessment as equalized by the Wisconsin Department of Revenue.

(3) The Community Development or his/her designee, with the advice and consent of the City Attorney, is authorized to issue a citation or to institute any formal proceeding to enjoin, correct, or abate any violation of this chapter.

(m) **MAINTENANCE OF HISTORIC STRUCTURES, HISTORIC SITES, AND HISTORIC DISTRICTS.** Every person in charge of an improvement or structure in a historic district shall keep in good repair all of the exterior portions and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of such improvement or structure to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.

(n) **CONDITIONS DANGEROUS TO LIFE, HEALTH, OR PROPERTY.** Nothing contained in this Section shall prohibit the making of necessary construction, reconstruction alteration or demolition of any historic structure, any improvement on a historic site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions as determined by the Community Development Director to be dangerous to life, health, or property. In such cases, no approval from the Landmarks Commission shall be necessary.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this 4th day of August, 2008.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi

Deborah A. Galeazzi, City Clerk