

# **Hassan Area Historic Preservation: Final Report**

Prepared for Hassan Township

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Community Growth Options (U-CGO),  
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9/10/09



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# Introduction

This report grows out of a research proposal submitted to the University Community Growth Options program (U-CGO) by the Hassan Township Board to “identify the cultural and historic resources in Hassan Township.” Although not included in the proposal, at the request of the Township, the project and report also considered those areas already within the Rogers city limits.

As Hassan Township experiences growth pressure from the city of Rogers, the area’s cultural and historical sites and structures are at risk of being demolished and forgotten. In preparation for the celebration of the area’s 150<sup>th</sup> anniversary and the township’s impending annexation into Rogers in 2012, the Hassan town board desires to identify all cultural and historically significant sites and structures in the town and the means to commemorate and preserve them.

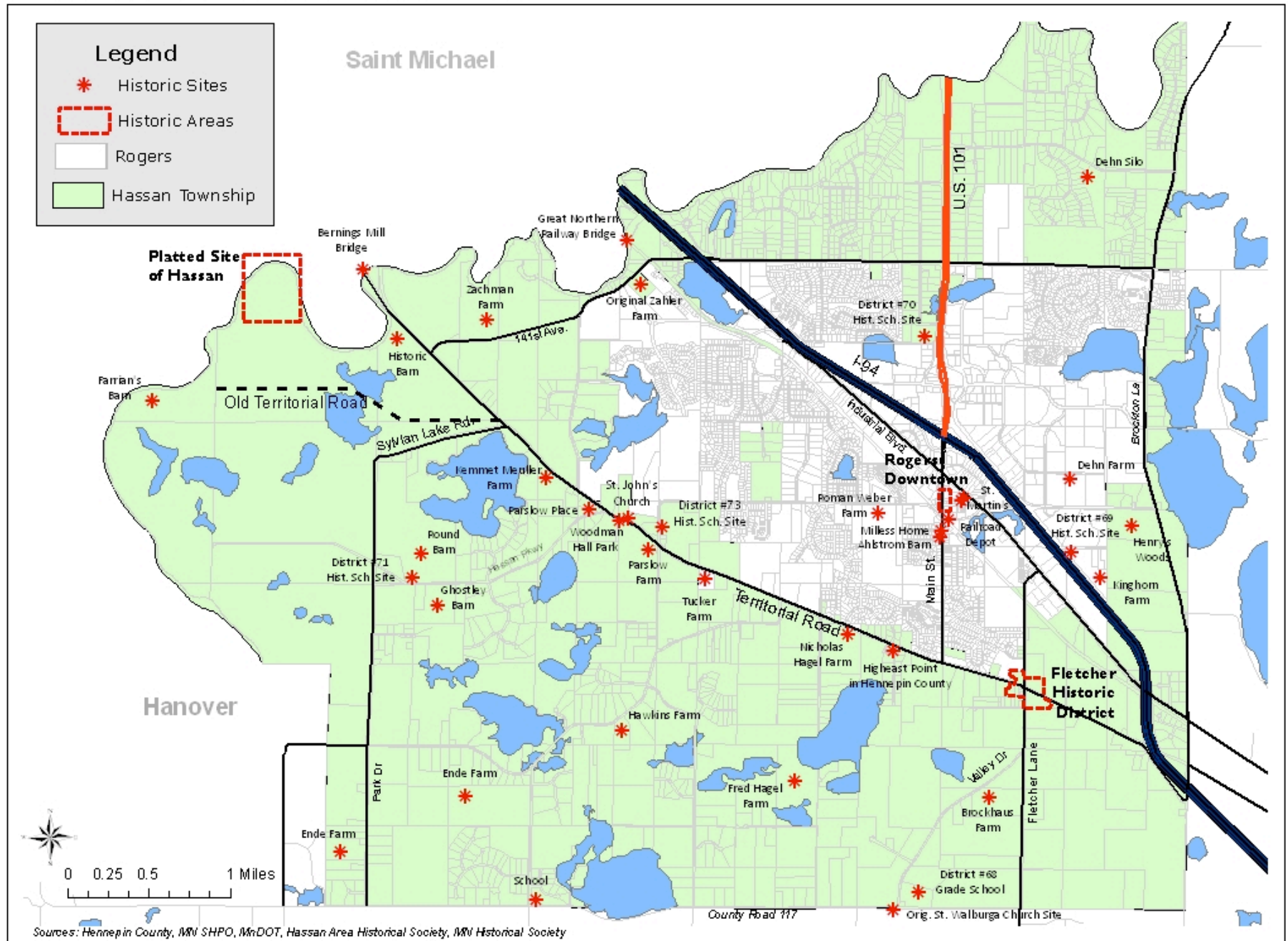
This project strives to help Hassan Township move forward its goals for historic preservation set out in the comprehensive plan, which states:

Hassan Township will create an inventory of historically significant features, landmarks, and buildings and evaluate tools for preserving these areas and structures. Where feasible the Township will assist with the acquisition of historically significant structures, in order to provide educational or recreational opportunities.

Figure 1 is a current inventory of historic sites and structures in Rogers and Hassan Township created as part of this project.

This report outlines measures that Hassan Township and the City of Rogers could use to identify, manage, and preserve cultural and historic sites and structures. Hassan Township will use this report to establish a process to identify and preserve these important resources.

Figure 1: Hassan Area Historic Sites



# Heritage Preservation Commissions

Minnesota state enabling legislation (see Appendix A for complete statute) gives authority to municipalities to establish heritage preservation commissions (HPC) for the purpose of historic preservation. Furthermore, the statute authorizes

local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this state. (M.S. §471.193)

Currently 57 municipalities in Minnesota have passed local ordinances establishing HPCs. The HPCs' functions and scrutiny over these functions can vary from one locale to another. Some of the most common roles and duties given to an HPC are as follows:

- conducting surveys to inventory the area's historic resources
- recommending designation of historic properties
- developing and enforcing design guidelines for locally designated properties
- undertaking preservation education in the community

The following sections detail these components of local HPC ordinances, showing the range of policies Hassan Township and Rogers could enact.

Note: Appendix B contains a sample ordinance developed by the Minnesota State Historic Preservation Office and actual ordinances from Eden Prairie, Florence Township, Red Wing, and St. Cloud.

## ***Inventorying and Surveying***

A survey serves as a permanent written and photographic record of all known historic buildings, structures, and sites in the community. Figure 2 is an inventory file from the Minnesota State Historic Preservation office showing that a survey typically includes the following:

- a record of physical characteristics, historic accounts, and locations of historic sites
- a basis for making sound judgments in community planning for historic resources
- data for use in the publication of local architectural and cultural histories
- assistance in evaluating and determining eligibility for the National Register of Historic Places

An HPC typically conducts surveys by issuing requests for proposals and hiring historic consultants (for a list, see Appendix C). Typically, the HPC ordinance states that the municipality will conduct these surveys on an ongoing basis and produce annual reports about historic sites, which the HPC will then consider for designation.

The Minnesota State Historic Preservation Office holds building inventory files resulting from any of its ongoing surveys. Through the Certified Local Government Program, the State Historic Preservation Office provides matching grants to eligible HPCs for conducting surveys.



**Figure 2: Sample Inventory Form**

MINNESOTA ARCHITECTURE-HISTORY INVENTORY FORM

Property Name: Frank & Lenore Stenglein House (historic)      Address: 12015 Fletcher Lane  
Rogers, MN 55374

County: Hennepin      Inventory Number: HE-HAT-026

City/Township: Hassan Township      Review/Compliance Number(s):

Property Identification Number (PIN):

Township: 120 Range: 23 Section: 26      U.S.G.S. Quad:

U.T.M.:

Architect: Frank Stenglein      Style: Front Gabled Form

Date Constructed: ca. 1930

Photo Number(s): 17      Survey Name:

Form Prepared By: Michael Koop      Date Surveyed: 11 January 1992

Description: The Frank and Lenore Stenglein House is a one-story, wood frame building with a brick foundation and stucco walls. It has paired and tripled 3/1 double hung windows, wide bracketed eaves, and exposed rafter tips. An enclosed entry projects slightly from the facade. The jerkinhead roof is covered with asphalt shingles. There is a detached stucco garage behind the house.

Significance: According to Lorraine Dexter, former resident of Fletcher, Frank and Lenore Stenglein, who operated the Fletcher Store next door, built this as a "summer" house to live in when their upstairs residence in the store became too uncomfortable during the hot summer months. Although a common house type in the region, because of its direct association with both the Fletcher Store and the Stenglein family, this residence may be significant under National Register Criterion A.

Historic Context(s): Agricultural Development & Railroad Construction

National Register Eligible:  Yes     No     Not Enough Information

Date Listed on National Register: NA

## ***Designation***

Surveys produce sites and structures eligible to be listed as a historic district (a group of sites and structures) or a historic landmark (a single site or structure). The HPC will consider these sites based on criteria provided in the heritage preservation ordinance. These criteria are used to distinguish a site that is historically important from one that is “just old.” Typically the criteria focus on architectural style, cultural characteristics, locations of historic events, and relation to people who were historically important to the area.

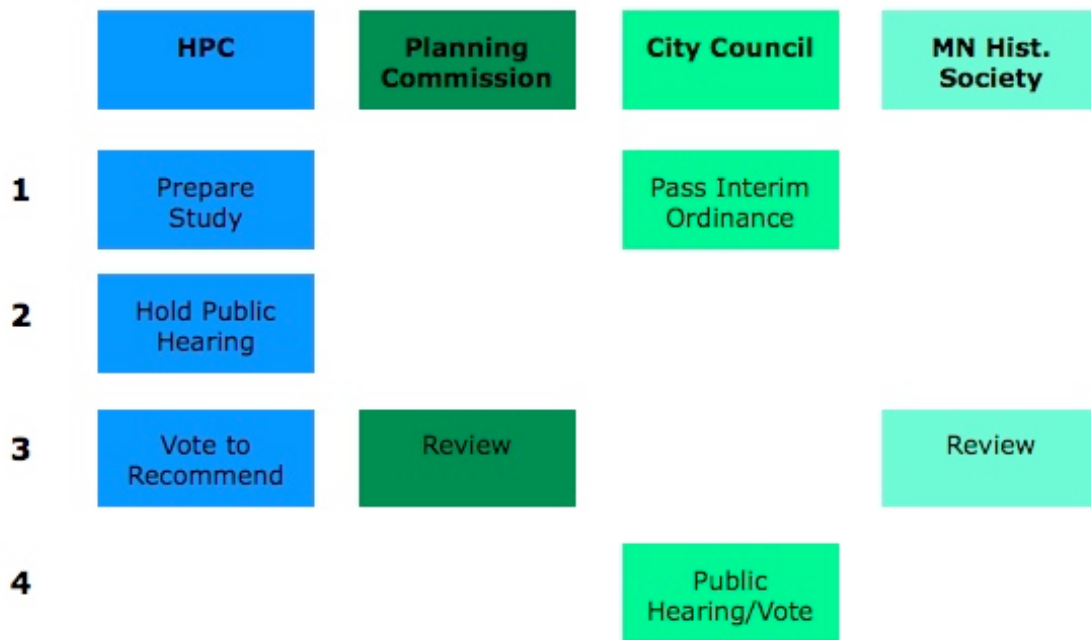
In the sample ordinance provided by the Minnesota State Historic Preservation Office (Appendix B), the following are listed as criteria for designating a site or structure historic:

- Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City of \_\_\_\_\_, State of Minnesota, or the United States.
- Its location as a site of a significant historic event.
- Its identification with a person or persons who significantly contributed to the culture and development of the City of \_\_\_\_\_.
- Its embodiment of distinguishing characteristics of an architectural style, period, form or treatment.
- Its identification as work of an architectural or master builder whose individual work has influenced the development of the City of \_\_\_\_\_.

After sites or structures are determined to meet the criteria and are ready for designation, the nomination process—which includes interaction with the public, affected city agencies, and the city council—begins.

The nomination process in St. Cloud’s heritage preservation ordinance (see Appendix B) serves as a good model (Figure 3). When the HPC determines that a nominated site or district is fit for designation by meeting any of the criteria, the HPC prepares a designation study consisting of profiles of the building(s) or area(s) to be considered for designation. In the meantime, an interim ordinance prohibits construction, demolition, or alteration of any structures within the proposed area. After the study is completed, a public hearing is held. Then, the HPC recommends in writing to the Planning Commission to approve in whole, approve in part, or disapprove the district or landmark. The Planning Commission reviews the HPC recommendation for consistency with the City’s comprehensive plan and other planning considerations relevant to the area, and ultimately forwards its recommendation to the City Council for final decision. Before the City Council holds a hearing and votes, a copy of the HPC recommendation also must be submitted to the Minnesota Historical Society for comments.

**Figure 3: Designation of a Historic District/Landmark Process**



HPCs also make recommendations to the Town Board/City Council, after review by the Planning Commission, that certain properties eligible for designation be acquired by gift, by negotiation, or by other legal means.

Some historic preservation ordinances also grant the power to recommend nomination of historic districts or landmarks to the National Register for Historic Places, which has its own criteria for designation (Figure 4). Other municipalities require consent from the property owner and City Council before an application to the National Register can be made.

**Figure 4: National Register for Historic Places Criteria**

**Cultural Resources are determined significant if they:**

- A. are associated with events that have made a significant contribution to the broad patterns of our history;
- B. are associated with the lives of significant persons;
- C. embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master; or possess high artistic values, or represent a significant concentration of resources whose individual components are united historically by function or plan; or
- D. have yielded, or may be likely to yield, information important in prehistory or history.

***Design Review***

The most onerous responsibility of an HPC is review of building permits or alteration permits for sites or structures that are historic landmarks or are located in historic districts to ensure that construction or alteration adheres to design guidelines in the historic preservation ordinance. These guidelines can be developed by the HPC, the HPC can adopt the Secretary of the Interior’s Standards for the Treatment of Historic Properties,<sup>1</sup> or the HPC can

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<sup>1</sup> These guidelines can be viewed at [www.nps.gov/history/hps/tps/standguide/index.htm](http://www.nps.gov/history/hps/tps/standguide/index.htm)

follow a combination of these guidelines. Red Wing's heritage preservation ordinance (Appendix B) provides a good example of how the HPC melded its own guidelines into those already provided by the Secretary of the Interior.

Some HPCs, such as the one in Florence Township, just review the building or alteration permit; others classify the proposed building/renovation as minor or major work (Redwing goes even further, breaking it down into six classifications). St. Cloud allows the planning director to approve or deny alteration permits for minor renovation/building, while any major work must secure the approval of the HPC.

The cities of Red Wing and St. Cloud, both of which have outlined design review components, estimate that it takes one-quarter to one-third of a full time employee to administer these programs. Florence Township's HPC is entirely volunteer.

## ***Public Education***

Another component of an HPC's work is to assist in the education of citizens with respect to the area's civic and architectural heritage. This can be accomplished through various programs that raise awareness, such as holding an annual preservation awards ceremony where community members are lauded for their efforts in restoring historic sites. Other communities hold community history days, where they educate citizens on how to research their homes while also providing networking opportunities for the local historical society to garner more information about the community's history.

The most important part of an HPC's educational mission is communicating to citizens the benefits of preservation and answering questions about how designation affects a homeowner's ability to sell or renovate their property. HPCs often write a column in the local historical society's newsletter to

update the public with regards to upcoming events and communicate directly with historic property owners.

HPCs also communicate with other key stakeholders, such as the area's realtors or builder's association, to make inroads and raise awareness about preservation efforts. These relationships can become useful in contacting historic homeowners and recommending builders familiar with restorations to historic buildings.

The more established HPCs, such as in St. Cloud, have delved into heritage tourism—an effort to draw people to the city for its historic and cultural resources. Combining marketing with effective preservation efforts, HPCs can create lively historic districts that provide modern functions while retaining a distinct identity.

# Potential Historic Districts

In the following section, a group of historic sites and buildings in and around the Hassan area are identified as potential districts to be locally designated, or even nominated to the National Register for Historic Places.

## Fletcher Historic District

*"Fletcher is the finest example of a traditional crossroads hamlet remaining in Hennepin County. It still contains the most essential components of a small service center such as a school, a church, a former general store, private residences, and several farms. Perhaps more importantly, the rural flavor of Fletcher has not been spoiled by suburbanization and the construction of commercial businesses."*

—Michael Koop, Hennepin County History, 1994

**Figure 5: Proposed Fletcher Historic District**

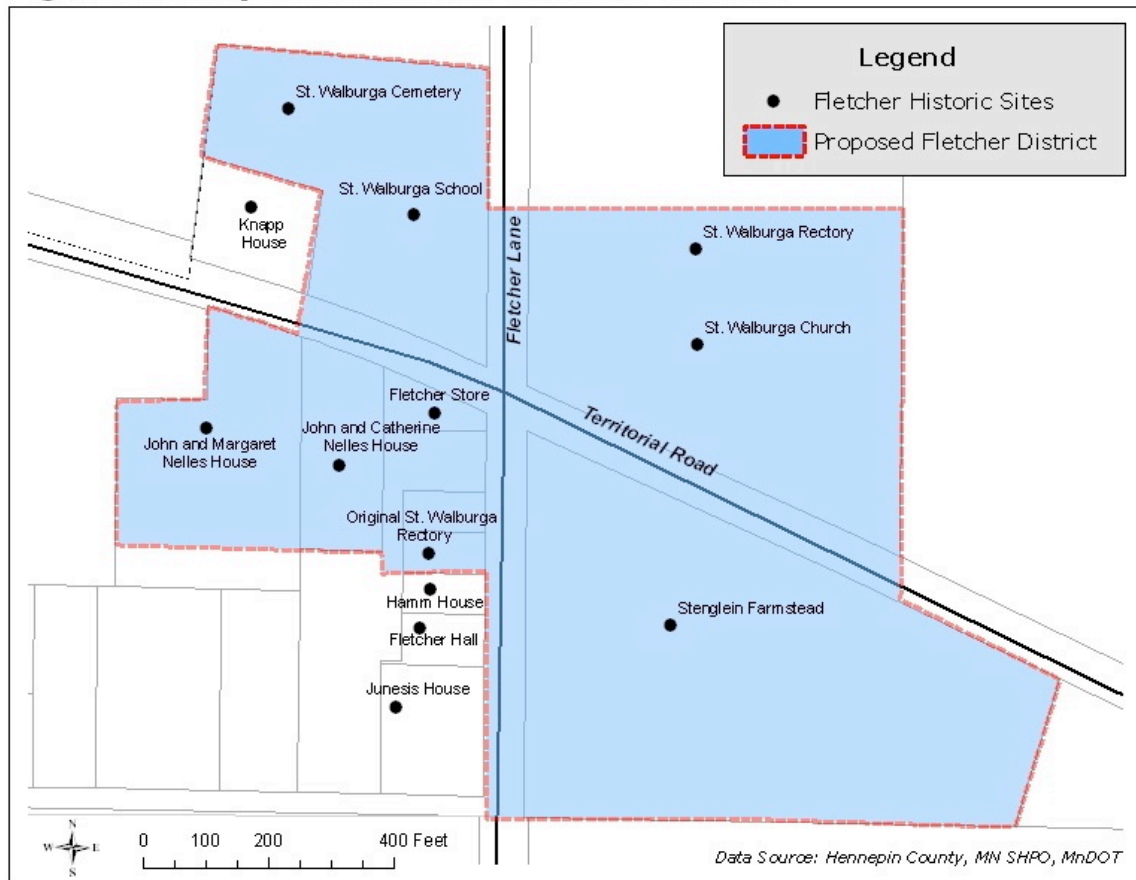


Figure 5, shows the proposed Fletcher historic district based on a 1992 analysis of the area. The historic hamlet of Fletcher has been deemed eligible for the National Register of Historic places. According to Susan Roth, national register historian at the Minnesota State Historic Preservation Office, the district was inventoried in 1992 and a draft of the historic evaluation is on file. For the district to be nominated, the following actions are required:

1. The resources in the district need to be re-evaluated to determine if they remain or retain historic physical integrity.
2. A nomination package must be completed

The potential benefits of a National Register District designation are listed in Figure 6.

**Figure 6: National Register District Designation**

Does	Does NOT
<ul style="list-style-type: none"> <li>◆ Increase a district's standing, visibility, and ability to withstand outside threats</li> <li>◆ Make Properties eligible for grants-in-aid</li> <li>◆ Allow the use of federal income tax credits for rehabilitating income producing properties</li> </ul>	<ul style="list-style-type: none"> <li>◆ Interfere with owner's property rights</li> <li>◆ Prevent private property owners from making changes or force owners to make improvements to their properties</li> <li>◆ Limit the use of listed buildings or require owners to erect or purchase plaques</li> <li>◆ Require properties to be open to the public</li> </ul>



## Rogers Historic Downtown

**Figure 7: Downtown Rogers Historic District**

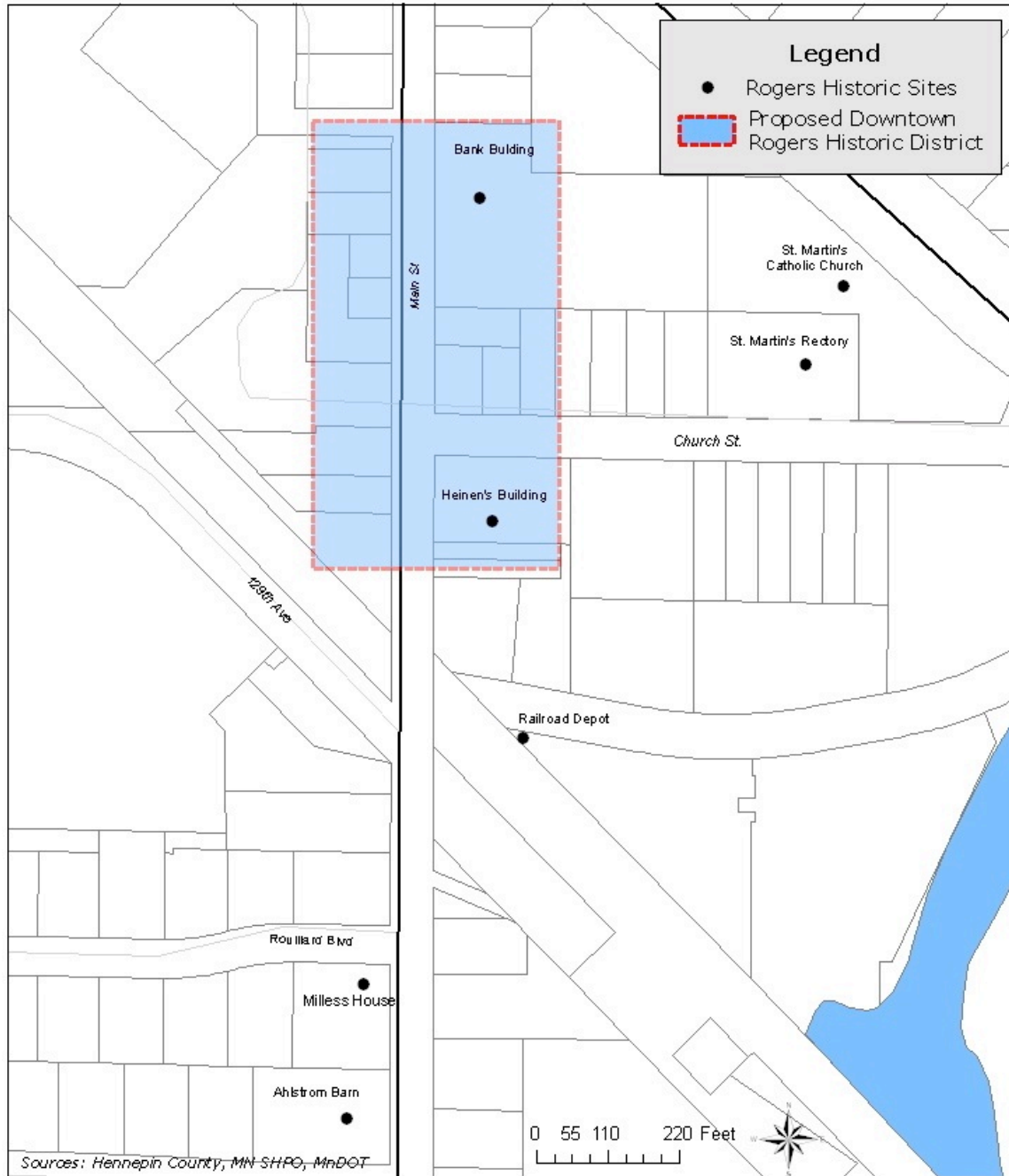


Figure 7 is a simple depiction of where a potential historic district could be drawn in the downtown Rogers area. This main street commercial corridor is a gateway to Rogers' oldest residential neighborhood. These buildings

constitute a historic main street that has evolved over the years, but still maintains a distinct urban form. Before a historic district designation could be made, the existing buildings would need to be inventoried, as no compiled and documented history exists.

## ***Agricultural Historic District***

Cultural landscapes are among the types of properties recognized by the National Register for Historic Places. By definition, a cultural landscape is a natural landscape shaped and modified by human activity. A rural historic landscape is a type of cultural landscape that contains, within a geographic area, both natural and manmade features that typify connected activities, past events, or patterns of physical development.

In 2000, the Nansen Agricultural Historic District in Goodhue County was listed on the National Register for Historic Places. This is the only district of its kind in the state of Minnesota. The rolling hills and historic barns of Hassan Township are very similar to the landscape in the Nansen District. The Minnesota State Historic Preservation Office has established two statewide contexts that encompass agricultural history: *Early Agriculture and River Settlement, 1840–1870*, and *Railroads and Agricultural Development, 1870–1940*. Hassan Township could fit into the latter historical context, with the township’s mill and railroad significantly influencing agricultural development trends.<sup>2</sup>

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<sup>2</sup> For more information on establishing an Agricultural Historic District see *Preserving Minnesota: Inventorying, Managing, and Preserving Agricultural Historic Landscapes in Minnesota* (online at [www.mnhs.org/preserve/shpo/landscape/landscape1.html](http://www.mnhs.org/preserve/shpo/landscape/landscape1.html)). The Minnesota Historical Society produced a case study of the Nansen Agricultural Historic District in 1999, called *Managing a Working Landscape: A Protection Strategy for the Nansen Agricultural Historic District, Goodhue County, Minnesota*. It is available at the Minnesota State Historic Preservation Office.

## **Funding Opportunities**

HPCs are allowed to accept gifts and contributions, as well as apply for grant funds. In most cases, it is the combination of these efforts that provides funding for preservation activities. There are a large number of federal, state, and private funding sources, most of which require that dollars be matched by gifts, donations, cash, or services/materials provided.

### ***Certified Local Government Program***

A city, county, or township with a qualifying HPC may become a Certified Local Government by applying to the Minnesota State Historic Preservation Office (procedures for applying are outlined in Appendix D). Certified Local Government status enables the local government to apply for federal matching grants to preserve historic properties. This is the most common form of funding that HPCs use to fund surveys, studies, and other efforts.

Certified Local Governments are required to:

- establish and maintain a qualified HPC
- maintain a system for identifying historic properties
- enforce appropriate legislation for the designation and protection of historic properties
- provide for public participation in the local preservation program
- play an expanded role in nominating properties to the National Register of Historic Places
- perform other agreed-upon functions delegated by the Minnesota State Historic Preservation Office

## ***Other Federal Programs***

### **Advisory Council on Historic Preservation**

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy. The ACHP website ([www.achp.gov/funding.html](http://www.achp.gov/funding.html)) provides a comprehensive description of federal assistance for historic preservation projects.

### **Federal Investment Tax Credits**

A historic restoration may qualify for a 20% investment tax credit if

- it involves rehabilitation of a certified historic building used for income-producing purposes,
- the rehabilitation work follows the Secretary of the Interior's Standards for Rehabilitation, and
- the project receives preliminary and final approval from the National Park Service.

Property owners, developers, and architects must apply for the tax credit through the Minnesota State Historic Preservation Office. The State Historic Preservation Office will ensure that the appropriate rehabilitation measures are followed and will then pass on its recommendation to the National Park Service for approval.

## ***Other State Programs***

### **State Grants-in-Aid Program**

The State Grants-in-Aid program supports projects conducted by nonprofit historical organizations and local units of government that interpret and preserve Minnesota's history. Every grant must be matched on a dollar-for-dollar basis. Match may be in the form of cash, in-kind, or donated services and materials contributed for the project. The program has 10 different project categories:

1. Historic Properties (maximum reward = \$50,000)
2. Artifact Collections (maximum reward = \$10,000)
3. Interpretive Programs (maximum reward = \$10,000)
4. Microform Copies (maximum reward = \$5,000)
5. Oral History (maximum reward = \$10,000)
6. Photographic Collections (maximum reward = \$10,000)
7. Manuscripts (maximum reward = \$10,000)
8. Publications and Research (maximum reward = \$10,000)
9. Museum Environments (maximum reward = \$10,000)
10. Technology (maximum reward = \$10,000)

For more information, contact Melinda Hutchinson at 651-259-3459 or [Melinda.hutchinson@mnhs.org](mailto:Melinda.hutchinson@mnhs.org).

### **State Capital Projects Grants-in-Aid**

The State Capital Projects Grants-in-Aid Program supports historic preservation of publicly owned buildings. The grants range from \$10,000 to \$150,000 and must be matched dollar for dollar. Public entities and nonprofit organizations whose primary purpose is historical preservation or

interpretation are eligible. The program supports historic preservation projects of a capital nature. Generally to be eligible for funding, the work must meet the following conditions:

- The expenditure funded must be for a public purpose.
- The property assisted must be publicly owned.
- The project expenditures that are funded must be for land, buildings, or other improvements of a capital nature.
- The work must meet the Secretary of the Interior's Standards for Rehabilitation.

For more information, contact Mandy Skypala at 651-259-3458 or [mandy.skypala@mnhs.org](mailto:mandy.skypala@mnhs.org).

## ***National Trust for Historic Preservation***

### **National Trust Preservation Fund**

The National Trust Preservation Fund includes funds that provide two types of assistance to nonprofit organizations and public agencies: (1) matching grants from \$500 to \$5,000 for preservation planning and educational efforts and (2) intervention funds for preservation emergencies. Matching grant funds may be used to obtain professional expertise in areas such as architecture, archaeology, engineering, preservation planning, land-use planning, fund raising, organization development, or law, as well as to support educational activities to educate the public. For more information and application materials, visit [www.preservationnation.org/resources/find-funding/grants/](http://www.preservationnation.org/resources/find-funding/grants/) or contact the National Trust Midwest Office at 312-939-5547 or [mwro@nthp.org](mailto:mwro@nthp.org).

### **Johanna Favrot Fund for Historic Preservation**

The Johanna Favrot Fund for Historic Preservation provides nonprofit organizations and public agencies with grants ranging from \$2,500 to \$10,000 for projects that contribute to the preservation or the recapture of an authentic sense of place. Funds may be used for professional advice, conferences, workshops, and education programs. For more information and application materials, visit [www.preservationnation.org/resources/find-funding/grants/](http://www.preservationnation.org/resources/find-funding/grants/) or contact the National Trust Midwest Office at 312-939-5547 or [mwro@nthp.org](mailto:mwro@nthp.org).

### **Cynthia Woods Mitchell Fund for Historic Interiors**

The Cynthia Woods Mitchell Fund for Historic Interiors provides nonprofit organizations and public agencies with grants ranging from \$2,500 to \$10,000 to assist in the preservation, restoration, and interpretation of historic interiors. Funds may be used for professional expertise, print and video communications materials, and education programs. For more information and application materials, visit [www.preservationnation.org/resources/find-funding/grants/](http://www.preservationnation.org/resources/find-funding/grants/) or contact the National Trust Midwest Office at 312-939-5547 or [mwro@nthp.org](mailto:mwro@nthp.org).

### **Jeffris Heartland Fund**

Matching grants in the range of \$5,000 to \$50,000 for historic structure reports and other advanced planning studies are available to nonprofit organizations or government agencies in partnership with a 501(c)(3) organization. Only projects located in the seven eligible Midwestern states (IA, IL, IN, MI, MN, MO, OH) are considered, and priority is given to projects in smaller cities and towns (populations under 75,000). Inquiries from Illinois and Minnesota should be made to Christina Morris at 312-939-5547 (ext. 37231) or [Christina\\_morris@nthp.org](mailto:Christina_morris@nthp.org).

# Appendices



## Appendix A: State HPC Enabling Legislation

### **471.193 MUNICIPAL HERITAGE PRESERVATION.**

Subdivision 1. **Policy.** The legislature finds that the historical, architectural, archaeological, engineering, and cultural heritage of this state is among its most important assets. Therefore, the purpose of this section is to authorize local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this state.

Subd. 2. **Heritage preservation commissions.** The governing body of a statutory or home rule charter city, county, or town may establish a heritage preservation commission to preserve and promote its historic resources according to this section.

Subd. 3. **Powers.** The powers and duties of any commission established pursuant to this section may include any power possessed by the political subdivision creating the commission, but shall be those delegated or assigned by the ordinance establishing the commission. These powers may include:

(1) the survey and designation of districts, sites, buildings, structures, and objects that are of historical, architectural, archaeological, engineering, or cultural significance;

(2) the enactment of rules governing construction, alteration, demolition, and use, including the review of building permits, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas;

(3) the acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in designated properties and adjacent or associated lands which are important for the preservation and use of the designated properties;

(4) requests to the political subdivision to use its power of eminent domain to maintain or preserve designated properties and adjacent or associated lands;

(5) the sale or lease of air rights;

(6) the granting of use variations to a zoning ordinance;

(7) participation in the conduct of land use, urban renewal, and other planning processes undertaken by the political subdivision creating the commission; and

(8) the removal of blighting influences, including signs, unsightly structures, and debris, incompatible with the physical well-being of designated properties or areas.

No power shall be exercised by a commission which is contrary to state law or denied a political subdivision by its charter or by law. Powers of a commission shall be exercised only in

the manner prescribed by ordinance and no action of a commission shall contravene any provision of a municipal zoning or planning ordinance unless expressly authorized by ordinance.

Subd. 4. **Exclusion.** If a commission is established by the city of St. Paul, it shall for the purpose of this section exclude any jurisdiction over the Capitol Area as defined in section 15B.03, subdivision 1.

Subd. 5. **Commission members.** Commission members must be persons with demonstrated interest and expertise in historic preservation and must reside within the political subdivision regulated by the ordinance establishing the commission. Every commission shall include, if available, a member of a county historical society of a county in which the municipality is located.

Subd. 6. **Communication with the state historic preservation officer.** Proposed site designations and design guidelines must be sent to the state historic preservation officer at the Minnesota Historical Society, who shall review and comment on the proposal within 60 days. By October 31 of each year, each commission shall submit an annual report to the state historic preservation officer. The report must summarize the commission's activities, including designations, reviews, and other activities during the previous 12 months.

**History:** 1971 c 128 s 1; 1973 c 123 art 5 s 7; 1985 c 77 s 1; 1989 c 9 s 2; 2003 c 17 s 2

## Appendix B: Sample HPC Ordinances

Sample Ordinance from the MN State Historic Preservation Office

### **AN ORDINANCE ESTABLISHING A HERITAGE PRESERVATION COMMISSION AND GRANTING AUTHORITY TO RECOMMEND DESIGNATION OF HISTORIC PRESERVATION SITES.**

**THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA DOES ORDAIN:**

**Section 1.** The Ordinance Code of the City of \_\_\_\_\_ is hereby amended by the addition of the following new Section xxx, as follows:

#### SECTION xxx – HISTORIC PRESERVATION COMMISSION

xxx.01. Declaration of Public Policy and Purpose. The Council of the City of \_\_\_\_\_ hereby declares as matter of public policy that the preservation, protection, perpetuation, promotion and use of areas, places, buildings, structures, lands, districts and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare in the community. To this end, the Heritage Preservation Commission is created and charged with the stewardship of \_\_\_\_\_'s heritage. The purposes of this ordinance are to:

- a) Safeguard the heritage of the City of \_\_\_\_\_ by preserving properties which reflect elements of the City's cultural, social, economic, political, visual, or architectural history:
- b) Protect and enhance the City of \_\_\_\_\_'s appeal and attraction to residents, visitors, and tourists, while enhancing it's economic viability through the protection and promotion of it's unique character as related to its history and heritage;
- c) Enhance the visual and aesthetic character, diversity and interest of the City of \_\_\_\_\_;
- d) Foster civic pride in the beauty and notable accomplishments of the past;
- e) Promote the preservation and continued use of historic properties for the education and general welfare of the people of the City of \_\_\_\_\_; and
- f) Provide educational opportunities on heritage preservation, act in an advisory capacity to its citizens, accept gifts and contributions for heritage preservation, and coordinate activities with various related groups.

xxx.03 Definitions. As used herein,

Subd. 1. Heritage Preservation Site. Any area, place, building, structure, land, district, or other object, which has been duly designated as a Heritage Preservation Site pursuant to xxx.xx.

Subd. 2. The City of \_\_\_\_\_ Historic Design Guidelines. The established criteria by which any proposed changes (within designated areas), including architectural or site modifications shall be judged.

Subd. 3. Heritage Preservation Landmark. Any individual property, parcel, place, building, structure, work of art, or other object that has been determined to be historically, culturally or architecturally significant and has been locally designated as a Heritage Preservation Landmark pursuant to xxx.xx of this Ordinance.

Subd. 4. National Register of Historic Places. The nation's official list of properties worthy of preservation designated by the United States Department of Interior, National Park Service. Nominations of properties within Minnesota to this list are made through the auspices of the State Historic Preservation Officer, Minnesota Historical Society.

xxx.05. Heritage Preservation Commission Established.

Subd. 1. Members. There is hereby created and established a City of \_\_\_\_\_ Heritage Preservation Commission (hereinafter, the "Commission") which shall consist of:

- a) Seven (7) voting members to be appointed by the Mayor, by and with the advice and consent of the City Council.
- b) One member of the City Council and one resident (residing outside of the city limits) shall be non-voting Advisory Members of the Commission.
- c) Any member (with the exception of the advisory members) appointed to serve on the Commission shall be a resident of the City of \_\_\_\_\_ and shall have a demonstrated interest, competence or knowledge in historic preservation. If available in the community and willing to serve, at least two (2) members of the Commission shall be preservation-related professionals, including the professions of history, architecture, architecture history, archaeology, planning, real estate, design, building trades, landscape architecture, or law. One member of the Commission must be a designated representative of the \_\_\_\_\_ County Historical Society, if available, pursuant to Minnesota Statutes 471.193 Subd. 5.

Subd. 2. Term. The Mayor and City Council shall initially appoint:

- a) Two (2) members to serve a term of one (1) year initially,
- b) Two (2) members to serve a term of two (2) years initially,
- c) Three (3) members to serve a term of three (3) years, and
- d) Two (2) Advisory Members, one for a two (2) year term and one for a three (3) year term.

Terms of office shall expire the first day of January in the year following their last full year of appointment. All subsequent appointments shall be for a term of three (3) years. Members may be re-appointed for consecutive terms.

In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment was originally made. The Mayor shall appoint a person to fill the vacancy for the remainder of the term within 45 days after the day on which the vacancy occurred. If a vacancy occurs in a term with less than 45 days remaining, the Mayor may allow the term to expire without appointing a person to fill the vacancy; after which he shall appoint a member for the full term.

Subd. 3. Membership Compensation. Members will not receive a salary for their services, but will be compensated for any approved expenses incurred in the performance of their duties.

Subd. 4. Commission Meetings. The Commission shall meet at least once every 30 days. The Commission shall hold its first meeting within 45 days after the day on which this Ordinance takes effect. At the first meeting the members of the Board shall enact rules and regulations concerning the following business:

- a) The time, dates and places of future meetings.
- b) Election of Commission Officers.
- c) Voting and quorum requirements.

Subd. 5. Organization. The Commission when formed shall elect from its members such officers, as it may deem necessary. The Commission shall have the power to designate and appoint from its members various committees. The Commission shall make such by-laws as it may deem advisable and necessary for the conduct of its affairs and for the purpose of carrying out the intent of this Ordinance which are not inconsistent with the laws of the City of \_\_\_\_\_ and the State of Minnesota.

xxx.07. Designation of Historic Preservation Sites.

Subd. 1. Reports. The Commission shall ensure that:

- a) The annual report is prepared by October 31<sup>st</sup> of each year as required in accordance with Minnesota Statutes 471.193 Subd. 6 for submission to the Minnesota State Historic Preservation Office and shall file a copy with the City Administrator for distribution to the City Council.
- b) An updated list of all areas, places, buildings, structures, lands, districts, or other objects which have been designated as Heritage Preservation Sites.
- c) An updated catalogue of all known publications, articles, books, pamphlets, policies, or other materials having a direct bearing on the Heritage Preservation Program for the City of \_\_\_\_\_ shall be kept and made reasonably available by City staff at City Hall.
- d) The Commission will work in cooperation with the \_\_\_\_\_ Area Historical Society to fulfill these requirements.

The City Council upon request of the Commission may direct the City staff to aid in the preparation of studies which catalog areas, places, buildings, structures, lands, districts, or other objects to be considered for designation as Heritage Preservation Sites.

Subd. 2. Criteria. All Heritage Preservation Sites previously designated by the City of \_\_\_\_\_ shall continue their designation under this ordinance unless the Commission specifically finds that any such sites do not meet the designation criteria provided in this subdivision.

- a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City of \_\_\_\_\_, State of Minnesota, or the United States.
- b) Its location as a site of a significant historic event.
- c) Its identification with a person or persons who significantly contributed to the culture and development of the City of \_\_\_\_\_.
- d) Its embodiment of distinguishing characteristics of an architectural style, period, form or treatment.
- e) Its identification as work of an architectural or master builder whose individual work has influenced the development of the City of \_\_\_\_\_.

- f) Its embodiment of elements of architectural design, detail, material, or craftsmanship which represent a significant architectural innovation.
- g) Its unique location, scale or other physical characteristics representing an established and familiar visual feature of a neighborhood, a district, the community, or the City of \_\_\_\_\_.

Subd. 3. Proposed Program for Preservation. For each Heritage Preservation Site recommended to the City Council, a proposed program for rehabilitation and preservation shall be created. The United States Secretary of the Interior Standards for Treatment of Historic Properties shall be among the standards used to create such a program. For any site within downtown \_\_\_\_\_, the City of \_\_\_\_\_ Downtown Guidelines will also be used as a standard of guidance.

Subd. 4. Hearings. Prior to the Commission recommending to the City Council any area, place, building, structure, land, district, or other object for designation as a Heritage Preservation Site, the Commission shall hold a public hearing and seek the recommendations of all concerned citizens. Prior to such hearing, the Commission shall cause to be published in the City's official newspaper a notice of the hearing at least ten (10) days prior to the date of the hearing, and notice of the hearing shall be mailed at least (10) days before the day of the hearing to all owners of record of the property or properties proposed to be designated as a Heritage Preservation Site and to all owners of property situated wholly or partly within 350 feet of the Heritage Preservation Site. The Commission may make such modifications concerning the proposed designation, as it deems necessary in consideration of the comments of the citizens.

Subd. 5. Findings and Recommendations. The Commission shall determine if a proposed site is eligible for designation as a Heritage Preservation Site as determined by the criteria specified in Subd. 2 of this section. In accordance with Minnesota Statutes 471.193, the Commission shall send to the Minnesota Historical Society/State Historic Preservation Office any proposed program for the preservation of the Heritage Preservation Site. The Commission may make such modifications concerning the proposed designation as it deems necessary in consideration of the comments of the Minnesota Historical Society/State Historic Preservation Office.

Subd. 6. Planning Commission Review. If the Commission recommends that the proposed site be designated as a Heritage Preservation Site, the Commission shall transmit to the City Planning Commission its recommendation, including boundaries, and the proposed program for the preservation of the Site. The Commission shall request from the Planning Commission its comments on the proposed designation as a Heritage Preservation Site relative to the City Zoning Code and Comprehensive Plan of the City of \_\_\_\_\_, and any other valid City planning considerations relevant to the proposed designation. The City

Planning Commission's comments shall become part of the official record concerning the proposed designation, as it deems necessary.

Subd. 7. Council Designation Hearings. The City Council, upon the request of the Commission, may, by ordinance, designate a Heritage Preservation Site. Such an ordinance shall require a two-thirds vote of all members of the City Council to be effective.

Subd. 8. Council Approval. The Commission shall make no application to the National Register or to the State of Minnesota for the designation of a historic property or district without the consent of the City Council.

Subd. 9. Identification Plaque. Those buildings or structures having been designated as Historic Preservation Sites by the City Council may be awarded a numbered plaque to be displayed on the exterior of the Site in full public view with the owner's consent. The plaque is to remain the property of the City and shall be removed by request of the Commission should the Site be altered as to destroy the historic integrity of the Site.

xxx.09. Review of Permits.

Subd. 1. Site Alteration Permit. A Site Alteration Permit shall be required for any alteration of any designated Heritage Preservation Site. The Commission shall review the City's issuance of a Site Alteration Permit to do any of the following in a Heritage Preservation Site in the City of \_\_\_\_\_. In addition to any other specifics the zoning administrator may require, the Site Alteration Permit application shall be accompanied by detailed plans including a property plan, building elevations and design details and materials as necessary to evaluate the request. Besides the Site Alteration Permit, regular City permits shall be required. Once the Commission has reviewed said permits, recommendation for approval or disapproval will be made to the City Council. Recommendation for approval or disapproval of the site alteration permit by the City Council will be accompanied with specific reasons why the alteration meet or do not meet the City's approved design guidelines and standards for reasonable rehabilitation related to the particular building or preservation site. The following are subject to a Site Alteration Permit:

- a) Painting, architectural details and other related exterior alterations.
- b) Additions or deletion of awnings, shutters, canopies, and similar appurtenances.
- c) Application or use of exterior materials of a different kind, type, color, or texture than those already in use which will substantially cover one or more sides of the structure. This provision applies to roofing as well as siding.



- d) Signs.
- e) Construction of a new building or auxiliary structure.
- f) Any addition to or alteration of an existing structure which increases the square footage in the structure or otherwise alters its size, height, contour, or outline.
- g) Change or alteration of a structure's architectural style.
- h) Alteration of a roof line.
- i) Demolition in whole or in part. This does not apply to structures required to be demolished in accordance with Minnesota Statutes, Chapter 463.

Subd. 2. City Actions. The Commission shall review and make recommendations to the City Council concerning City activity that could change the nature or appearance of a Heritage Preservation Site.

Subd. 3. Preservation Program. All decisions of the Commission with respect to this section shall be in accordance with the approved program for the rehabilitation of each Heritage Preservation Site. The Secretary of the Interior's Standards for Treatment of Historic Properties shall be used to evaluate applications for Site Alteration Permits as follows:

- a) 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.
- b) The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.
- c) Each property will be recognized as 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 historic properties, will not be undertaken.
- d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

- f) 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 mission features will be substantiated by documentary and physical evidence.
- g) 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.
- h) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- i) 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.
- j) 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.

xxx.11. Findings. Before approving any permit or application required under xxx.09 of this ordinance, the Commission shall make findings based on the program for preservation of the Heritage Preservation Site in regard to the following:

- a) In the case of a proposed alteration or addition to existing buildings, the Commission shall make written findings on how the structure may be architecturally or historically affected. To be considered are the existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving and setback.
- b) In the case of the proposed demolition of a building prior to the approval of demolition, the Commission shall make written findings on the following:
  - 1. Architectural and historic merit of the building.
  - 2. The effect on surrounding buildings.
  - 3. The effect on any new proposed construction on the remainder of the building (in case of partial demolition) and on surrounding buildings.

4. The economic value or usefulness of the building as it now exists, or if altered or modified, in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.
- c) In the case of a proposed new building, the Commission shall make written findings on:
1. How the building will in itself, or by reason of its location on the property, materially affect the architectural or historic value of buildings on adjacent sites or in the immediate vicinity within the Heritage Preservation Site.

xxx.13. Appeal to the City Council. The applicant for a Site Alteration Permit (or any other party) aggrieved by the decision of the Commission relative to a Site Alteration Permit, shall, have a right to appeal such order and decision to the City Council, if appealed within ten (10) working days of the date of the Commission's order and decision.

The appeal shall be deemed perfected upon receipt by the City Clerk of a notice of appeal and statement setting the grounds for the appeal. The City Clerk shall transmit a copy of the notice of appeal and statement to the City Council and a copy to the Commission. The City Council may overturn the Commission's order and decision by a two-thirds vote of all members of the City Council. The Commission, in any written order denying a permit application, shall advise the applicant of the applicant's right to appeal to the City Council and shall include this section in all such orders.

xxx.15. Limitations. If within forty-five (45) days from the filing of a Site Alteration Permit application, the Commission has neither approved nor denied the Site Alteration Permit application, the plans and permit application shall be deemed to have been approved by the Commission. If all other requirements of the City have been met, the City shall authorize a permit for the proposed work. No permit shall be issued no work commenced in the event the Commission disapproves the Site Application Permit application in accordance with this ordinance.

xxx.17. Emergency Repair. In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the City Administrator and City Building Official may approve the repair without prior Commission action. In the case of an emergency repair permit issued pursuant to this section, the City Administrator shall immediately notify the Commission of its action and specify the facts or condition constituting the emergency situation.

xxx.19. Enforcement. In case any building or structure subject to the regulation of this ordinance is to be erected or constructed, reconstructed, altered, repaired, converted, maintained, moved, or subjected to demolition in violation with this ordinance, the zoning administrator, in addition to any other remedies, may:

- a) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this ordinance.
- b) Issue a stop work order to prevent a continuing violation of this ordinance.

Work which proceeds in violation of this ordinance, in contravention of a stop work order, or in disregard of a court ordered injunction shall be a public nuisance.

xxx.21. Additional Powers and Duties of the Commission. The Commission shall have the following powers and duties, in addition to those otherwise specified in this ordinance.

- a) Maintaining informational surveys of \_\_\_\_\_. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, lands, districts, or other objects in the City of \_\_\_\_\_ which the Commission, on the basis of information available or presented to it, has reason to believe are significant sites regarding their preservation, restoration and rehabilitation.
- b) Community education. The Commission shall work for the continuing education of the citizens of the City of \_\_\_\_\_ focusing on civic and architectural heritage of the City. It shall keep current a public register of designated and proposed Heritage Preservation Sites along with the plans and programs that pertain to them.
- c) Contribution of gifts. The Commission may recommend to the City the acceptance of gifts and contributions to be made of the City and to assist the City staff in the preparation of applications for grant funds to be made through the City for the purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the City of \_\_\_\_\_.
- d) Cooperation and coordination with the \_\_\_\_\_ Area Historical Society. The Commission will assign one member to service as a liaison to the \_\_\_\_\_ Area Historical Society. The Commission will coordinate and cooperate with the Historical Society to assure that duplication of services is avoided and that their mutual cooperation and joint ventures strengthens the preservation of the heritage and history of the City of \_\_\_\_\_.
- e) City planning and development records. The Commission shall select, on a continuing basis, City planning and development records, documents, studies, models, maps, plans, and drawings which represent a permanent record of the City history and development. These items shall be archived at City Hall.

xxx.23. Repository for Documents. The office of the City Clerk is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under this section. It is recommended that a second copy be kept with the \_\_\_\_\_ Area Historical Society. These files will be maintained in accordance with Minnesota Statutes 138.17.

xxx.25. Recording of Heritage Preservation Sites. The office of the City Clerk shall record or file with the \_\_\_\_\_ County recorder the legal description of all properties designated as Heritage Preservation Sites by the City of \_\_\_\_\_.

**Section 2.** This ordinance shall be in full force and effect thirty (30) days from and after its passage and publication according to law.

Passed by the City Council of the City of \_\_\_\_\_, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

*Note: This sample ordinance is based on the ordinance establishing the City of Kenyon's historic preservation Program in Goodhue County.*

## Florence Township Heritage Preservation Commission Ordinance

AN ORDINANCE RELATING TO THE **FLORENCE TOWNSHIP HERITAGE PRESERVATION COMMISSION**; AND AMENDING IN ITS ENTIRETY THAT ORDINANCE ESTABLISHING THE OLD FRONTENAC HERITAGE PRESERVATION COMMISSION ADOPTED SEPTEMBER 14, 1989 AND ITS SUBSEQUENT AMENDMENTS.

The Town Board of Supervisors of Florence Township, Goodhue County, Minnesota, does ordain:

**Section 1.** The ordinance establishing the Old Frontenac Heritage Preservation Commission adopted September 14, 1989, and subsequently amended, is amended in its entirety to read as follows:

### **ARTICLE 1. GENERAL PROVISIONS**

**Section 1.00 POLICY:** The Board finds that the historical and cultural heritage of Florence Township is among its most important assets. Therefore, the purpose of this ordinance is to endorse and clarify the responsibilities of the Florence Township Heritage Preservation Commission, hereafter referred to the Heritage Preservation Commission or HPC, in order to promote the recognition, preservation, protection of historic districts, historic properties, historic landscapes, public park lands, and historic resources; to implement the policies of the Florence Township comprehensive plan; to further educational and cultural enrichment; to promote the general welfare of the township.

**Section 1.01 ESTABLISHMENT OF COMMISSION:** Pursuant to Minnesota Statutes Section 471.193, there is hereby established a Florence Township Heritage Preservation Commission (HPC) to preserve and protect the historic resources of Florence Township. The HPC is a continuance and expansion of the Old Frontenac Historic Preservation Commission (OFHPC) as adopted by Florence Township ordinance adopted September 14, 1989 and all subsequent amendments thereto. All OFHPC members are hereby members of the HPC to serve their appointed terms until their respective scheduled expirations.

**Section 1.02 HERITAGE PRESERVATION PROPERTIES:** The previously designated Heritage Preservation Property, known as the Old Frontenac Historic District, is hereby preserved and is as described below:

All of Section 12, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

Government Lot 1 of Section 1, Township 112 North Range 13 West, Goodhue County, Minnesota

AND

That part of Government Lot 3 of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota, lying east of the west 1200.00 feet thereof

AND

## Florence Township Heritage Preservation Commission Ordinance

The East Half of the Northeast Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

The East Half of the Southeast Quarter, Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

Government Lot 5 of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

That part of the Southwest Quarter of the Southeast Quarter of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota, and that part of Government Lot 4 of said Section 2, which lies easterly of the following described line:

Beginning at the northeasterly corner of the west 1200.00 feet of said Government Lot 4; thence southwesterly to the southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 2, and there terminating

AND

That part of the West Half of Northeast Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County Minnesota, and that part of the West Half of the Southeast Quarter of Section 11 which lies easterly of the following described line:

Beginning at the northwest corner of the West Half of the Northeast Quarter of said Section 11; thence southeasterly to the southeast corner of the West Half of the Southeast Quarter of said Section 11 and there terminating.

**Section 1.03 COMMISSION MEMBERS:** Commission members must be persons with demonstrated interest in historic preservation and must reside within Florence Township. The Commission shall comprise seven members. In addition thereto, the Town Board shall appoint one member of the Goodhue County Historical Society and one of the Supervisors of Florence Township as ex-officio members of the commission. The Goodhue County Historical Society member of the Commission need not reside within Florence Township.

**Section 1.04 APPOINTMENTS: TERM OF OFFICE:** Any elector living in Florence Township may apply in writing to the Town Board for appointment to the Commission. Public notice that appointments are to be made and of the procedure for submitting applications must be published in the official newspaper of the Township at least 20 days prior to the making of appointments. The Board of Supervisors shall appoint Commission members to serve three-year terms. The ex-officio members shall each be appointed to serve a one-year term. If a vacancy occurs, the Board of Supervisors shall appoint a successor to serve the remainder of the term. Members and ex-officio members will serve without compensation and shall continue to hold office until their successors have been appointed and qualified.

## **Florence Township Heritage Preservation Commission Ordinance**

**Section 1.05 DEFINITIONS:** As used herein “Heritage Preservation Property” shall mean any building, structure, site, object, public lands, or district which has been duly designated a Heritage Preservation Property pursuant to Section 2.00 of this ordinance.

**ARTICLE II. POWERS, DUTIES, PROCEDURE:** The Commission shall have the following powers:

**Section 2.00 POWERS:** The Commission shall have the following powers:

(1) To recommend to the Town Board that buildings, structures, sites, objects, public lands, and districts be designated or described for heritage preservation in Florence Township designated historic districts and properties.

A. In considering the designation of Heritage Preservation Properties, the Commission shall apply the following criteria:

1a) Its character, interest or value as part of the development, heritage or cultural characteristics of Florence Township, Goodhue County, Minnesota, or the United States.

2a) Its location as a site, or contributing element in proximity to a site of a significant historic event or process.

3a) Its embodiment of distinguishing characteristics of architectural style, period, form or treatment.

4a) Its identification with a person or persons who significantly contributed to the culture and development of Florence Township.

5a) Its embodiment of elements of architectural design, detail, materials, or craftsmanship that represents distinctive architectural innovation.

6a) Its unique location of singular physical characteristics representing an established and familiar aspect of a view, vista, site, area or district in Florence Township.

B. In considering the designation of Heritage Preservation Properties the Commission shall follow the following procedure:

1b) Planning Commission Review: The Heritage Preservation Commission shall advise the Township Planning Commission of the proposed designation of a Heritage Preservation Property including boundaries and a program for the preservation, restoration or rehabilitation of the property, and secure from the Township Planning Commission its opinion and recommendations as to any planning



## Florence Township Heritage Preservation Commission Ordinance

considerations which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. The said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Heritage Preservation Commission along with its recommendations concerning the proposed designation to the Town Board. The Heritage Preservation Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the Township Planning Commission.

2b) State Historical Society Communication. A copy of the Heritage Preservation Commission's proposed designation of a Heritage Preservation Property, including boundaries, and a program for the preservation, restoration or rehabilitation of the property shall be sent to the State Historical Society in accordance with Minnesota Statutes Annotated Section 471.193. Subd. 6.

3b) Findings and Recommendations. The Heritage Preservation Commission shall determine if the proposed Heritage Preservation Property is eligible for preservation as determined by the criteria specified in sub-paragraph A of this section. The Commission shall transmit to the Town Board its recommendations and proposed program for the Heritage Preservation Property.

4b) Town Board Designation, Hearings. The Town Board, upon request of the Heritage Preservation Commission, may by resolution designate a Heritage Preservation Property. Prior to such designation the Town Board shall hold a public hearing, notice of which shall have been published in the official newspaper of the township at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Property and to all property owners abutting the boundary of the area to be designated a Heritage Preservation Property.

5b) Acquisition. The Heritage Preservation Commission may recommend to the Town Board, after review and comment by the Township Planning Commission, that certain property eligible for designation as a Heritage Preservation Property be acquired by gift, by negotiation, or other legal means as provided for in Chapter 117 of Minnesota Statutes.

- (2) To solicit gifts and contributions to be made to the Commission and to assist in the preparation of application for grant funds to be made to the Commission for the purpose of heritage preservation.

## Florence Township Heritage Preservation Commission Ordinance

- (3) To recommend guidelines to the Town Board for utilization of Heritage Preservation Properties.
- (4) To make recommendations to the Town Board regarding applications to the National Register.
- (5) To recommend to the Town Board rules governing construction, alteration, demolition, and use, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated Heritage Preservation Properties.
- (6) To recommend to the Town Board the acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in Heritage Preservation Properties and adjacent or associated lands.
- (7) To recommend to the Town Board the use of its power of eminent domain to maintain or preserve Heritage Preservation Properties and adjacent or associated lands.
- (8) To recommend to the Town Board use variances within Florence Township from the terms of the Goodhue County and Florence Township zoning ordinances.
- (9) To recommend to the Town Board the removal of blighting influences, including signs, unsightly structures, and debris incompatible with the physical well being of Heritage Preservation Properties.
- (10) To review and make recommendations to the Town Board regarding issuance of all building permits, conditional use permits or variances for Heritage Preservation Properties and to hold public hearings thereon if the Commission deems it necessary. The Township zoning administrator shall send a copy of every building permit application, conditional use application or variance application for property for Heritage Preservation Properties to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:
  - (a) In the case of a proposed alteration or addition to an existing building, whether or not such alteration or addition will materially impair the architectural or historic value of the building, considering the existing exterior appearance, building dimensions, roof style, type of building materials, ornamentation, road setback, and color;
  - (b) In the case of the proposed demolition of a building, the architectural and historic value of the building, the effect on surrounding buildings, the effect of any new proposed construction on the surrounding buildings, and the economic value or usefulness

## Florence Township Heritage Preservation Commission Ordinance

of the building as it now exists, on in an altered or modified condition compatible with the surrounding structures;

- (c) In the case of a new building, whether or not such building will materially impair the architectural or historic value of the adjacent Historic Preservation Properties within Florence Township.
  - (d) The Commission shall base its findings on the Secretary of the Interior's Standards for Historic Preservation Projects as well as specific design guidelines established by the Commission for the designated Heritage Preservation Property.
- (11) To recommend guidelines to the Town Board for utilization, management, maintenance, and alteration of Heritage Preservation Public Land Properties. To review and make recommendations to the Town Board regarding issuance of all public land alteration or maintenance permits, conditional use permits or variances for Heritage Preservation Public Land Properties and to hold public hearings thereon if the Commission deems it necessary. The Township zoning administrator shall send a copy of every Public Land permit application, conditional use application or variance application for Public Land for Heritage Preservation Properties to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:
- (a) In the case of a proposed alteration or addition to Public Land, whether or not such alteration will materially impair the natural beauty, use, or historic value of the Public Land, considering the existing appearance, dimensions, effect on neighboring properties, use by residents, and any other environmental effects;
  - (b) In the case of the proposed demolition or alteration of any asset on Public Land, the natural and historic value of the asset, the effect on properties, the effect of any new proposed construction on the surrounding properties, and the economic value or usefulness of the Public Land as it now exists, on in an altered or modified condition compatible with the surrounding properties;
  - (c) In the case of a new asset on Public Land, whether or not such asset will materially impair the architectural or historic value of the adjacent Historic Preservation Properties within Florence Township.
  - (d) In all cases, the proposed alteration or addition must be in compliance with all applicable county, township, and historic district regulations. Any and all exceptions to these regulations must be reviewed by the Commission and approved by the Township Supervisors, Goodhue County Land Use, and any other jurisdiction (e.g. DNR, Army Corps of Engineers) that may apply. A written

**Florence Township Heritage Preservation Commission Ordinance**

copy of such variance to regulations must be published and available in the Commission Design Guidelines to be administrated by the Commission and the Township Board of Supervisors.

(12)The Commission shall base its findings on the Secretary of the Interior's Standards for Historic Preservation Projects as well as specific design guidelines established by the Commission for the designated Heritage Preservation Property

After review, the Commission shall report its findings of fact and its recommendations in writing to the Town Board without undue delay. Upon receipt of such report, the Town Board shall meet and consider the report of the Commission. It the Board approves the report of the Commission, the Clerk shall send the report of the Commission to the County Planning Commission with a notation thereon of the Board's approval of the report and recommendation.

**Section 2.01 SPECIAL PUBLIC HEARINGS.** Business shall be conducted by the Commission at regularly scheduled public meetings as prescribed in its bylaws and the Minnesota Open Meeting Law. When the Commission deems an issue to be of significant public concern the Commission may call for a Special Public Hearing. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least 10 days before the date of the hearing, to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the application for permit or variance relate. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

**Section 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its official publication. A copy of the ordinance can be obtained by contacting the Clerk of Florence Township.

Passed and adopted by the Board of Supervisors of Florence Township, Goodhue County, Minnesota, this \_\_\_\_ day of \_\_\_\_\_ 2006

\_\_\_\_\_  
Clay Ruggles, Chairman

\_\_\_\_\_  
ATTEST:

# St. Cloud HPC Ordinance

## Section 370 - Heritage Preservation Ordinance

Section 370:00. Declaration of Public Purpose. The identification, preservation, protection, enhancement, perpetuation, and use of areas, places, buildings, structures, and other objects having special historical interest and value in the City of St. Cloud is in the public interest and is desired in the interest of the health, education, safety, welfare, and prosperity of the people for the following purposes:

Subd. 1. Safeguard the heritage of the City of St. Cloud by preserving properties which reflect significant elements of the City's cultural, social, economic, political, visual and/or architectural history.

Subd. 2. Protect and enhance the City of St. Cloud's appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry.

Subd. 3. Enhance the visual and aesthetic character, diversity and interest of the City of St. Cloud.

Subd. 4. Foster civic pride in the beauty and notable accomplishments of the past and present.

Subd. 5. Promote the preservation and continued use of significant historic properties for the education and general welfare of the people of the City of St. Cloud.

Subd. 6. Encourage new design and construction that complements the City's historical buildings.

Subd. 7. Protect property values within the City.

Subd. 8. Identify as early as possible and resolve conflicts between preservation of historical buildings and alternative land uses.

Subd. 9. Administer the alteration permit process to protect the architectural history of properties located in the City's historic districts.

Section 370:05. Definitions.

Subd. 1. "Historic Preservation": The study, identification, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of the City of St. Cloud.

Subd. 2. "Heritage Preservation Property": Any area, place, building, structure, land, site or other objects located within a Historic District.

Subd. 3. "Alteration": Any construction, addition, demolition, relocation or material change affecting the exterior of a Heritage Preservation Property that requires a building permit.

Subd. 4. “Certificate of Appropriateness”: A certificate issued by the Planning Director evidencing the review and authorization by the HPC of plans for alteration of a Heritage Preservation Property or nominated property under interim protection.

Subd. 5. “Design Review Guidelines”: Specific design criteria adopted by the HPC for Historic Districts to be used in reviewing applications for Certificates of Appropriateness.

Subd. 6. “Historic District”: A single parcel or combination of parcels and right-of-way within a defined area designated as an Historic District by the City Council because of the historical, cultural, architectural, or archaeological significance of the area.

Subd. 7. “Minor Alteration”: Work on the exterior of a Heritage Preservation Property that does not modify its design, massing, materials, or quality of workmanship. Minor work includes: repair or reroofing in kind; repairs or replacement in kind for existing windows, doors, siding or trim; repairs or replacement in kind for porches; and other work of a similar nature or which is specifically provided for in the applicable Design Review Guidelines.

Subd. 8. “Major Alteration”: Work on the exterior of a Heritage Preservation Property that modifies its design, massing, materials, or quality of workmanship.

Subd. 9. “Planning Director”: Officially appointed Planning Director, or his/her designee.

Subd. 10. “Owner”: Any person having a freehold interest or a contractual interest that may become a freehold interest.

Subd. 11. “HPC”: Heritage Preservation Commission.

#### Section 370:10. Establishment of HPC. There is hereby established a HPC.

Subd. 1. The Commission. The HPC consists of seven (7) voting members and two ex-officio, non-voting members who are appointed by the Mayor and approved by the City Council. The Mayor may remove any member of the Commission whenever, at the Mayor’s discretion, the best interests of the City will be served.

Subd. 2. Terms. The term of each member will be for three years and until a successor is appointed and approved. No person may be appointed to more than two successive terms as a HPC member. Upon serving two successive terms, a HPC member may be appointed and approved to a new term after a period of one (1) year between the completion of the past term and beginning of the new term.

Subd. 3. Vacancies. If the office of any HPC member becomes vacant, the vacancy will be filled in the same manner in which the last regular appointment was made for the unexpired portion of the term.

Subd. 4. Qualifications. All HPC members will serve without compensation. All voting members with the exception of the Historical Society nominee will be residents of the City of St. Cloud. All members must have a demonstrated interest, competence, and knowledge in

history, historic preservation, architecture or urban design. Appointments to the HPC will represent the following interests:

- (a) Historical Society Nominee. At least one member will be an individual nominated by a local county historical society.
- (b) Preservation-related Professional. At least one member will be an individual of one of the following preservation-related professions: history, architectural history, archaeology or a registered architect.
- (c) Real Estate Professional. At least one member will be an individual from the real estate profession.
- (d) City Planning Commission. One ex-officio member, selected by the St. Cloud Planning Commission, will be a voting member of the HPC.
- (e) Housing and Redevelopment Authority. One non-voting, ex-officio member, selected by the St. Cloud Housing and Redevelopment Authority Board, will be requested from the St. Cloud Housing and Redevelopment Authority.
- (f) St. Cloud State University. One non-voting, ex-officio member, selected by the St. Cloud State University President, will be requested from St. Cloud State University.

Subd. 5. Meetings. The HPC will meet monthly upon a regular schedule adopted by it and may meet additionally at the call of the chairperson or by consent of a majority of the members. Such meetings and notice thereof will comply with applicable laws.

Subd. 6. Officers: The HPC will, at its first meeting in January of each year, elect a Chairperson and Vice-Chairperson. No person will serve more than two consecutive terms as Chairperson or Vice-Chairperson. The Mayor will provide a recording secretary for the Commission.

- (a) Chair. The Chairperson will preside and maintain order at all Commission meetings.
- (b) Vice-Chair. The Vice-Chairperson will fulfill the duties of the Chairperson in the absence of the Chair.
- (c) Secretary. The Secretary will be responsible for the minutes of all official meetings of the Commission.

Subd. 7. Procedure. The HPC may establish and appoint from its members, on a majority vote of its members, standing committees. Generally, HPC business will be conducted in accordance with Roberts Rules of Parliamentary Procedure, except as Roberts Rules may be in conflict with this ordinance in which case this ordinance will govern. The HPC may adopt additional rules of procedure, subject to City Council review and approval, as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent

of this ordinance, which are not inconsistent with the laws of the City of St. Cloud and the State of Minnesota.

Subd. 8. Reporting. The HPC will present an annual report containing a statement of its activities to the Mayor, City Council, Planning Commission, St. Cloud Housing and Redevelopment Authority, MN Historical Society, and local county historical societies.

#### Section 370:15. HPC Duties and Responsibilities.

Subd. 1. Studies and Reports. The HPC, with the assistance of the Planning Division and in cooperation with other City departments and appropriate historical societies, will prepare studies that catalogue buildings, land, areas, properties or other objects to be considered for designation as Historic Districts. Such catalogues, and any additions or deletions thereto, will be adopted by resolution by the HPC.

Subd. 2. Designation of Properties. The HPC will determine if any area, place, building, structures, lands, properties or other objects should be recommended for designation as a Historic District in accordance with designation criteria provided for in this ordinance.

Subd. 3. Design Review Guidelines. The HPC will develop design review guidelines for properties located in Historic Districts. The guidelines are the basis for review of alteration permit requests for properties within Historic Districts. The Design Review Guidelines for the St. Cloud Commercial Historic District are published in the City of St. Cloud Downtown Preservation Design Manual. The Design Review Guidelines for St. Cloud's residential Historic Districts are published in the City of St. Cloud Residential Historic District Preservation Design Manual.

Subd. 4. Heritage Preservation Property Alteration Permit Review. A Heritage Preservation Property alteration permit will be required for demolition in whole or part subject to Minnesota Statute Chapter 463, reconstruction or repairs or erection of exterior signs, moving of buildings, new construction, and exterior alterations, within the City's Historic Districts. The application must include detailed plans including a site plan, building elevations, and design details and materials as necessary to evaluate the request. The Planning Director will review the alteration application and if complete, forward the application to the HPC at their next available meeting.

(a) Minor Alteration: Applications for minor alterations will be approved by the Planning Director when the work is in conformance with the Design Review Guidelines from Section 370:15, Subd. 3. A Certificate of Appropriateness will be issued, and the HPC will be notified of the certificate issuance. The Planning Director, at his/her discretion, may require applications for minor alterations to be classified as major alterations and thereby subject to Section 370:15, Subd. 4B.

(b) Major Alteration: Major alteration applications that are clearly in conformance with the Design Review Guidelines from Section 370:15, Subd. 3., may be approved by the Planning Director, after consultation with, and approval by the HPC Chair. With approval of major alterations by the Planning Director, a Certificate of Appropriateness



will be issued, and the HPC will be notified of the certificate issuance. Applications for all other major alterations must be reviewed and approved by the HPC. The HPC will determine within forty (40) days of receipt of an application for major alteration if the work to be performed pursuant to the permit application and plans are contrary to the Design Review Guidelines in Section 370:15, Subd. 3.

(c) Alteration Permit Determination: If it is determined that the alteration permit application will not have an adverse effect on the Historic District and conforms to the applicable Design Review Guidelines, the application will be approved and the applicant will be notified in writing of the approval through a Certificate of Appropriateness. If it is determined that the permit application will have an adverse effect on the Historic District and/or does not conform to the applicable Design Review Guidelines, the HPC will notify the applicant in writing of its findings and advise the applicant of their right to appeal to the City Council.

(d) Appeal: If the Heritage Preservation Property Alteration Permit is denied or modified by the HPC, the applicant will, within ten (10) days of the date of the HPC's order and decision, have a right to appeal such order and decision to the City Council. An appeal will be deemed complete upon receipt by the Planning Division of two copies of a notice to appeal and statement setting forth the grounds for the appeal. One copy of the notice of appeal and statement will be sent to the HPC and one copy to the City Council. The City Council will hold a public hearing in accordance with Section 370:15, Subd. 5, of this ordinance. The City Council will render a decision on the appeal within thirty (30) days of the date of the public hearing held before the City Council or it will be considered denied.

Subd. 5. Survey. The HPC will conduct continuing surveys of all areas, places, buildings, structures or objects in the City of St. Cloud which the HPC, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political or architectural history of the City of St. Cloud.

Subd. 6. Improvements. The HPC will act in a resource and advisory capacity to owners of historically significant properties regarding the properties preservation, restoration, and rehabilitation.

Subd. 7. Education. The HPC will work for the continuing education of the citizens of the City of St. Cloud with respect to the civic and architectural heritage of the City.

Subd. 8. Acceptance of Gifts and Contributions. The HPC will assist City staff in preparation of applications for grant funds to be made through the City for the purpose of heritage preservation. Any contribution or gifts will be expended for historic preservation in the manner provided through the fiscal policy of the City.

Subd. 9. Archives. The HPC will collect and review certain City planning and development records, documents, studies, models, maps, plans, and drawings for possible submission to a local county historical society as a permanent record of City history and development, subject to Minnesota Statute 138.17.

Subd.10. Acquisitions. The HPC may recommend to the Planning Commission and City Council that certain property eligible for designation as a Heritage Preservation Property be acquired by gift, negotiation or other legal means as provided in Minnesota Statutes, Chapter 117.

Subd. 11. State and National Designation. The HPC will make no application to the National Register or to the State of Minnesota for the designation of a Historic District without the consent of the City Council after review and comment by the Planning Commission. Property owner(s) will be sent mailed notice at least ten (10) days prior to any City Council action to consent to such application submission by the City.

Subd. 12. Appeals. The HPC will hear and decide on appeals alleging an error in any order, requirement, decision or determination made by an administrative officer of the City in the enforcement of this ordinance or ordinances designating a Historic District.

Subd. 13. City Activity. No City capital improvement activity, including but not limited to new roadway construction, roadway widening, new sidewalks, and street lighting, which may adversely impact the exterior appearance of a designated Heritage Preservation Property will be approved or performed without first being presented to the HPC for review and recommendations. The HPC may provide any comments or recommendations to the Planning Commission and City Council within 35 days of receiving notice of the proposed improvement. If the HPC does not provide a recommendation within the 35 day time period, the proposed capital improvement activity may be approved.

Subd. 14. Emergency Repair. In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants and where such repair is in conflict with the approved Design Review Guidelines, the Chief Building Official may approve the repair without prior HPC action. In the case of a permit issued pursuant to this subdivision, the Chief Building Official will notify the HPC of its action and specify the facts or conditions constituting the emergency situation.

Subd. 15. Economic Resource Assistance. The HPC will work to identify economic resources that may be available to assist property owners with historic preservation improvements. The HPC will support community organizations fundraising efforts for historic preservation improvements.

Section 370:20. Retention of Designating Ordinance and Heritage Preservation Ordinance Power. No amendment adopted to change or revoke a Historic District designation, in whole or part, upon petition of its owner or owners will inhibit the authority of the City Council to subsequently amend the designating ordinance to redesignate the same property.

Section 370:25. Nomination and Designation Process. Historic Districts will be designated by the City Council upon the recommendation of the Planning Commission and the HPC in the following manner:

Subd. 1. Historic District Nomination. Nomination of a property(s) to be considered for designation as a Historic District must be submitted to the Planning Director on an approved City nomination application and must be accompanied by all required support information. A nomination application can be submitted by the following:

- (a) The HPC
- (b) The City Council
- (c) The Mayor
- (d) Any person with a legal equitable interest in the subject property.

Subd. 2. Designation Criteria. While considering the nomination of a Historic District, the HPC will apply one or more of the following criteria:

- (a) The property has yielded or may be likely to yield, information important in prehistory or history.
- (b) The property is associated with significant events or with an important pattern of cultural, political, economic, or social history.
- (c) The property has distinguishing characteristics of an architectural type, period, form, or treatment which is not adequately represented elsewhere in the City.
- (d) The property exemplifies work of a master builder, engineer, designer, artist, craftsman, or architect.
- (e) The property contains or is associated with distinctive elements of the City's identity.
- (f) The property has distinguishing characteristics of significance that are for the most part original and intact or capable of restoration.

Subd. 3. HPC Decision on Nomination. Upon receipt of a complete nomination application, the HPC will determine if the nomination potentially meets any of the designation criteria contained in Section 370:25, Subd. 2 and is worthy of designation, in which case, the HPC will prepare a Historic District designation study.

Subd. 4. Interim Protection. The City Council may adopt an interim ordinance in accordance with Minnesota Statute 462.355 prohibiting the issuance of a city permit to construct, demolish, or alter any structure within the proposed designation area being studied by the HPC for Historic District designation.

Subd. 5. Public Hearing. Upon completion of a Historic District designation study, the HPC will schedule a public hearing. Notice of the time and place of the public hearing and a summary of the proposed designation or amendment will be given not more than thirty (30) days nor less than ten (10) days in advance by publishing a notice in the official newspaper of the City of St. Cloud. In addition, notification will be given at least ten (10) days prior to the date of the public hearing to the owner(s) of property within 350 feet of the subject property.

Notice will describe the proposed designation, date, time, and place of hearing, and will offer the opportunity for written or oral comment.

Subd. 6 HPC Designation Recommendations. After the public hearing, the HPC will recommend approval in whole or part or disapproval of the proposed Historic District in writing to the Planning Commission with the details of the proposed Historic District. A simple majority vote of the HPC for approval in whole or part is required. The minutes of the HPC public hearing will be provided to the Planning Commission.

Subd. 7. Planning Commission. Upon receipt of a recommendation from the HPC, the Planning Commission will review the proposed Historic District for consistency with the City of St. Cloud Comprehensive Plan, the effect of the proposed Historic District upon the surrounding neighborhood, and any other planning consideration that may be relevant to the proposed Historic District. The Planning Commission will forward its recommendation, as well as the public records of its proceedings, to the City Council.

Subd. 8. Communication with the MN Historical Society. A copy of the HPC's recommendation for the proposed designation of a Historic District, including boundaries, will be sent to the MN Historical Society in accordance with Minnesota Statutes, Section 471:193, Subd. 6, which provides for a sixty (60) day review period. The Historical Society's comments will be sent to the City Council for consideration.

Subd. 9. City Council Designation. Upon receipt of the Planning Commission's recommendation and expiration of the MN Historical Society's review period, the City Council will schedule a public hearing in accordance with Section 370:15 of this Ordinance. The City Council will conduct a public hearing and take final action on the proposed Historic District within thirty (30) days of the date of the City Council public hearing.

Subd. 10. Failure to Send Notice. Failure to send any notice by mail to any property owner(s) where the address of such owner(s) is not a matter of public record will not invalidate any proceeding in connection with the proposed Historic District.

Subd. 11. Amendment or Rescission. A Heritage Preservation Property(s) may be removed from a Historic District following the same manner and procedure that was followed in the designation of the property(s).

Section 370:30. Penalties for Violation. Violations of this Ordinance are subject to Section 1100.00, Penalties and Revocation of Licenses, in the 2006 Code of Ordinances. Each day a violation is present will constitute a separate violation, and will be punishable as such. A Heritage Preservation Property on which there exists any remodeling, repair, construction, or a building moved in violation of this Ordinance or an ordinance designating a Historic District is declared a nuisance, and the imposition of the penalties prescribed will not prevent the City from instituting an appropriate action or proceeding to prevent an unlawful remodeling, repair, construction, building, building moves, or demolition or to restrain, correct, or abate a violation.

Section 370:35. Interpretation. In interpreting and applying the provisions of this ordinance, they will be held to be the minimum requirements for the promotion of public safety, health, convenience,

comfort, prosperity and general welfare. It is not the intent of the ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of building or premises than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance will govern.

Section 370:40. Repository for Documents. Planning Division will keep a record of heritage preservation documents available for public review.

Section 370:45. Recording of Heritage Preservation Properties. The Office of the City Clerk will record with the respective County Register of Deeds the legal description of all buildings, lands or areas designated as a Historic District by the City Council and will transmit a copy of said legal description to the Chief Building Official.

# Eden Prairie HPC Ordinance

## **SECTION 11.04. LIMITATION ON USES.**

Uses in each District established in this Chapter shall be limited to those permitted uses authorized, and then only under the standards and conditions which are also stated herein.

Source: Ordinance No. 72-84

Effective Date: 4-5-84

## **SECTION 11.05. HERITAGE PRESERVATION SITES.**

**Subd. 1. Declaration of Public Policy and Purpose.** The Council of the City of Eden Prairie (hereinafter the "Council") declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects have historic, aesthetic or community interest or value, benefits the health, prosperity, education and welfare of the community. The purposes of this chapter are to: (1) Safeguard the heritage of the City by preserving sites and structures which reflect significant elements of the City's cultural, social, economic, political, visual or architectural history; (2) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the City; and (3) Foster civic pride in the beauty and notable accomplishments of the past.

**Subd. 2. Definitions.** The following terms, as used in this Section, shall have the following meanings:

Source: Ordinance No. 38-90

Effective Date: 12-7-90

A. "Commission" - The Heritage Preservation Commission established by City Code Section 2.19.

Source: Ordinance No. 20-94

Effective Date: 7-1-94

(Prev. Ordinance No. 38-90

Effective Date: 12-7-90)

B. "Heritage Preservation Site" - Any area, place, building, landmark, structure, lands, districts, or other objects which have been duly designated Heritage Preservation Sites pursuant to Subd. 3.G. of this Section 11.05

### **Subd. 3. Designation of Heritage Preservation Sites.**

A. Reports. The Council may direct the City staff to prepare studies which catalog buildings, land, areas, districts or other objects to be considered for designation as a Heritage Preservation Site.

B. Criteria. The Commission shall recommend to the Council that an area, building, district, or object be designated a Heritage Preservation Site upon determining that such site possesses integrity and meets one or more of the following criteria.

1. It has character, interest or value as part of the development, heritage or cultural characteristics of the City, State of Minnesota or the United States;
  2. Its location as the site of a significant historic event.
  3. It has yielded, or is likely to yield, information important in pre-history or history;
  4. It is associated with a person or persons who significantly contributed to the culture and development of the City;
  5. It embodies distinctive characteristics of an architectural style, period, form or treatment;
  6. It represents the work of an architect or master builder whose individual work has influenced the development of the City;
  7. It embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation; or
  8. Its unique location or singular physical characteristics represents an established and familiar visual feature of a neighborhood, community or the City.
- C. **Planning Commission Review.** The Commission shall advise the Planning Commission of the proposed designation of a Heritage Preservation Site, including boundaries, and a program for the preservation of a Heritage Preservation Site, and secure the Planning Commission's recommendation with respect to the relationship of the proposed heritage preservation designation to the Comprehensive Plan of the City, and the City Planning Commission's opinion as to the effect of the proposed designation upon the surrounding neighborhood and any other planning consideration which may be relevant to the proposed designation. The Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation and opinion of the Planning Commission. The Planning Commission shall also give its recommendation of approval, rejection or modification of the proposed designation to the Council.
- D. **Communications with State Historical Society.** A copy of the Commission's proposed designation of a Heritage Preservation Site, including boundaries, and a program for the preservation of a Heritage Preservation Site shall be sent to the State Historical Society in accordance with Minnesota Statutes.
- E. **Hearings.** Prior to the Commission recommending to the Council any building, district, or object for designation as a Heritage Preservation Site, the Commission shall hold a public hearing on the proposed designation. Prior to such hearing, the Commission shall cause to be published in a newspaper of general circulation notice of the hearing at least ten (10) days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of the property proposed to be designated a Heritage Preservation Site and to all property owners within three hundred fifty (350) feet of the boundary of the area to be designated a Heritage Preservation Site.
- F. **Findings and Recommendations.** The Commission shall make findings as to whether a proposed Heritage Preservation Site is eligible for heritage preservation as determined by the criteria specified in Paragraph B of this subdivision. If the Commission determines the site meets the criteria in Paragraph B, it shall forward its findings to the Council with its recommendation that the site be designated for heritage preservation and its proposed program for the preservation of the site.
- G. **Council Designation.** The Council shall consider the Commission's recommendation that a site be designated for Heritage Preservation, together with the Planning Commission's recommendations, and may, upon the request of the Commission, by ordinance designate a Heritage Preservation Site.

**Subd. 4. Additional Powers and Duties of the Commission.**

- A. The Commission may recommend to the Council after review and comment by the City Planning Commission, that certain property eligible for designation as a Heritage Preservation site by acquired by gift, negotiation or by eminent domain as provided for in Chapter 117 of the Minnesota Statutes.
- B. The Commission shall have the powers and duties specified in Chapter 2, Section 2.18 in addition to those otherwise specified in this chapter.

**Subd. 5. Review of Permits.**

- A. Heritage Preservation Site Alteration Permit. A Heritage Preservation Site Alteration permit is required to do any of the following in, on, or to a Heritage Preservation Site in the City:
  - 1. Remodel, alter, repair in any kind or manner, including a change of color, that will alter the exterior appearance of a historic building, site or landmark.
  - 2. Erect a building or any structure.
  - 3. Erect signs.
  - 4. Move from or to any building.
  - 5. Demolish any building in whole or in part. This does not apply to structures to be demolished in accordance with Minnesota Statutes, Chapter 463.
  - 6. Alter or remove a land form in whole or in part.

The application for a Site Alteration Permit shall be accompanied by detailed plans including a site plan, building elevations and design details, and materials necessary to evaluate the request. The Council shall make the determination whether to approve or disapprove the permit.

- B. Commission Recommendation. The Commission shall review each application and make its recommendation to the Council relative to the request for a Heritage Preservation Site Alteration Permit. The Commission shall also review and make recommendations to the Council concerning City activity that could change the nature or appearance of a Heritage Preservation Site.
- C. Criteria for Heritage Preservation Site Alteration Permit. All recommendations by the Commission and decisions by the Council to approve, disapprove, and/or impose conditions on a Heritage Preservation Site Alteration permit shall be in accordance with the program approved by the Council and the State Historical Society for each Heritage Preservation Site. The following General Standards for Historic Preservation Projects issued by the Secretary of the Interior shall be used to evaluate applications of Site Alteration Permits:
  - 1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  - 2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive features should be avoided when possible.
  - 3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.



4. Changes which have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significant shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, stabilization, preservation, rehabilitation, restoration or reconstruction project.

The Commission and the Council shall also consider, when appropriate, the Secretary of the Interior's Specific Standards for Preservation Projects.

- D. Findings. The Council shall make findings as to whether a site alteration permit application should be approved or disapproved, or conditions imposed, as determined by the criteria specified in Paragraph C. of this subdivision.
- E. Hearings. Prior to the Council making its decision regarding an application for a Site Alteration Permit for a Heritage Preservation Site, the Council shall hold a public hearing on the application. Prior to such hearing the Council shall cause to be published in a newspaper of general circulation notice of the hearing at least ten (10) days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of the property for which a Heritage Preservation Site Alteration Permit application has been submitted and to all property owners within three hundred fifty (350) feet of such property.
- F. Limitations. If within sixty (60) days from the filing of a Site Alteration Permit application the Commission has not made a recommendation of approval or disapproval to the Council, the application shall be forwarded to the Council for approval or disapproval of the permit without the Commission's recommendation.

**Subd. 6. Emergency Repair.** In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the Building Department, the department authorized to enforce the building code pursuant to Chapter 10, Section 10.01, Subd. 2, may approve the repair without prior Commission or Council action.

**Subd. 7. Repository for Documents.** The office of the City Clerk is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under this Section 11.05.

**Subd. 8. Recording of Heritage Preservation Sites.** The office of the City Clerk shall record the designation of buildings, lands or areas as Heritage Preservation Sites with the Hennepin County Recorder or the Hennepin County Registrar of Titles, unless the County Recorder or Registrar of Titles refuses to record such designation, and shall transmit a copy of the recording document to the Building Department.

Source: Ordinance No. 38-90  
Effective Date: 12-7-90

- (g) Review of a development proposal for consistency with the System Plan.
2. The conduct of the complete program of recreation opportunities within the City and charging the Commission with review of development proposals, including:
    - (a) Review of proposed and existing recreation programs and advice to the Recreation Staff on programming and the operation of all such opportunity.
    - (b) Recommendation of policies to the Council on matters pertaining to the operation of recreation facilities and program.
    - (c) Recommendation of an annual budget for the operation of said programs and facilities to the Council in time for inclusion in the budget proposal.
    - (d) Cooperation and coordination of recreation and other leisure opportunity and proposals with other City Groups, school groups, community groups, and County, State and Federal agencies that have application within the City.
  3. The inventory, preservation and management of natural resources within the City including:
    - (a) Making a study and inventory of natural resources in the City.
    - (b) Recommendation of plans and policies for the preservation of natural resources in the City.
    - (c) Review of land use proposals that conflict with the park and open space plan.
    - (d) Making recommendations to the Council for action programs to ensure preservation of natural resources.
    - (e) Cooperation and coordination of the environmental programs and proposals with other City Groups, school groups, and County, State and Federal agencies that have application within the City.
    - (f) Establishing programs and dissemination of information to better inform and guide environmental choices of residents of the City.
    - (g) Making recommendations on management of wildlife to control the geese within DNR recommended populations.
- D. Heritage Preservation Commission. The Heritage Preservation Commission (“Commission”) shall have the following duties and responsibilities; in addition to those specified in Section 11.05:
1. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political, or architectural history of the City.
  2. The Commission shall continually survey all areas to determine needed and desirable improvements of older buildings throughout the City, acting in a resource and advisory capacity to owners of historically significant sites regarding their preservation, restoration and rehabilitation.

3. The Commission shall work for the continuing education of the citizens of the City with respect to the civic and architectural heritage of the City. It shall keep current a public register of designated and proposed Heritage Preservation sites and areas along with the plans and programs that pertain to them.
  4. The Commission may recommend to the Council the acceptance of contributions offered to the City and to assist the City staff in preparation of applications for grant funds to be made through the City for the purpose of Heritage Preservation.
  5. The Commission will on a continuing basis collect and review City planning and development records, documents, studies, models, maps, plans, and drawings to be passed on to the State Historical Society as a permanent record of City history and development.
  6. The Commission shall make no application to the National Register of Historic Places or to the State of Minnesota for the designation of a historic site or district without the consent of the Council.
- E. Citizen Advisory Conservation Commission. The Citizen Advisory Conservation Commission (“CACC”) shall act in an advisory capacity to the City Council and staff about policies and practices that promote the sustainable development and conservation of Eden Prairie’s air, water, and land resources; reduction of residential and commercial solid waste; and the more efficient use of energy in the economic activities of both the public and private sectors, which may include the following.
1. The Commission shall have the following roles and responsibilities:
    - a. Review, examination and evaluation of the City’s operating policies and practices with the goal of improving performance in this area through the recommendation of Best Management Practices. The CACC shall recommend the inclusion of appropriate environmental conservation and protection measures into the planning process. Where environmental policy mandates of the state and local agencies require the City’s response, the CACC may serve as the body to examine alternatives and make recommendations to the City Council.
    - b. Provide recommendations as to oversight and accountability for municipal and private initiatives in the area of environmental policies that impact Eden Prairie’s energy and natural resources. The Commission shall serve as the liaison and monitoring body for community events and activities that are relevant to the Commission’s purpose.
    - c. Educate the community, including Eden Prairie schools and community groups, about the impact of advances in environmental science, engineering, product development and policies to produce a better informed citizenry about environmental conservation.
  2. In pursuance of the above stated roles and responsibilities the Commission shall perform the following work tasks:
    - a. Recommend best practices for energy conservation for Eden Prairie’s citizens, businesses, institutions and City government, including the 20/40/15 initiative.
    - b. Encourage energy efficiency through appropriate building code improvements.
    - c. Recommend opportunities to increase the City’s use of alternative energy.

# Red Wing HPC Ordinance

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## CHAPTER 16

### HERITAGE PRESERVATION

**SECTION 16.01. DEFINITIONS.** The following terms, as used in this Chapter, shall have the meanings stated:

1. "Archaeological Site" means a geographic location containing the relics, artifacts and other cultural aspects of life associated with ancient peoples.
2. "Building" means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.
3. "District" means a geographically definable area, urban or rural, possessing a significant concentration of linkage of sites, buildings, structures or objects unified by past events or aesthetically by plan or physical development.
4. "Heritage Preservation Designation" means an official action by the Council which proclaims a building, land area or district located within the limits of Red Wing to be worth saving. Designated buildings or districts are protected from alteration or destruction through permit review by the Commission.
5. "Minnesota State Register" means the official list of distinguished properties in Minnesota. Any sites included on the State Register are protected from alteration by the State or any of its subdivisions unless otherwise approved in writing by the Minnesota Historical Society.
6. "National Trust for Historic Preservation" means a non-profit educational organization chartered by Congress to encourage public participation in the preservation of districts, sites, buildings, structures and objects significant in American History and architecture.

*Source:* Ordinance No. 62  
*Effective Date:* 12-20-75

7. "National Register for Historic Places" means that it is administered by the National Park Service, U.S. Department of Interior through the State Historic Preservation office at the Minnesota Historical Society and is the official list of distinguished properties in America worth saving. The National Historic Preservation Act of 1966 provides for the protection of such sites from destruction in any federally funded Project.
8. "Neighborhood Conservation District" means a district, as designated by the City Council, having special or unique historical, architectural, archaeological

or aesthetic interest or value, which merits protection, conservation and preservation. And, which said protection, conservation and preservation is deemed best accomplished through limited design review and emphasizing public education, incentives, and minimizing direct governmental regulation.

*Source:* Ordinance No. 121, 3rd Series  
*Effective Date:* 5-8-92

**SEC. 16.015. PURPOSE.** The Council hereby declares that as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical, architectural, archaeological or aesthetic interest or value is a public necessity, and is required in the interest of the health, prosperity, safety and welfare of the people. It is the purpose of this Chapter to set forth the establishment of a Heritage Preservation Commission which will be charged with preserving buildings, lands, areas, or districts within the corporate limits of the City which are determined to possess particular cultural or educational value.

*Source:* Ordinance No. 22, 3rd Series  
*Effective Date:* 1-1-87

## **SEC. 16.02. HERITAGE PRESERVATION COMMISSION.**

**Subd. 1.** Establishment and Composition. A Heritage Preservation Commission is hereby established. The Commission shall be composed of seven (7) members, one of whom shall be a member of the Historical Society of Goodhue County.

**Subd. 2.** Powers and Duties. The Commission shall perform such duties as the Council may direct and shall recommend to the Council buildings, lands, archaeological sites, areas or districts to be designated or described for Heritage Preservation, as follows:

- A. The Commission shall direct the Planning Coordinator in cooperation with the Building Inspector and required consultants to prepare studies which would catalogue buildings, land areas or districts to be considered for Heritage Preservation.
- B. This report shall be referred to the Advisory Planning Commission for its review and recommendation. All comments shall be returned to the Heritage Preservation Commission within sixty days.
- C. The Heritage Preservation Commission shall review the reports of the Advisory Planning Commission and then make its recommendations to the Council. Concurrently with making its recommendation to the Council, every proposal of designation by the Commission shall be sent to the Minnesota Historical Society for review and comment in writing within sixty days.

- D. The Commission shall have the authority to solicit gifts and contributions to be made to the City and to assist in the preparation of applications for grant funds for the purpose of heritage preservation.
- E. For every building or district designated for heritage preservation the Commission shall prepare a suggested guideline for utilization of the property.
- F. The Commission shall make no application to any historic register without the consent of the property owner and the Council.
- G. The Council shall by ordinance describe the specific buildings, lands, areas or districts to be preserved in the City for heritage preservation. Prior to such designation the Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least ten days prior to the date of hearing and notice shall be sent to all property owners within the district and within 200 feet of the boundary of the area to be designated or described.

**Subd. 3. Building Permits.**

- A. The Building Inspector shall issue no building permit for exterior or interior structural changes that would impact any future exterior renovation located in an area or district designated for heritage preservation until such time as the applicant has received a Certificate of Appropriateness from the Commission pursuant to Section 16.03 of this Chapter.

*Source:* Ordinance No. 73, Third Series  
Effective Date: 6-9-89

- B. The Building Inspector shall issue no permit for demolition, building additions, or new construction in a Neighborhood Conservation District, until such time as the applicant has received a Certificate of Appropriateness from the Commission pursuant to Section 16.04 of this Chapter.
- C. In the event a Certificate of Appropriateness is not granted, the Commission shall inform the applicant, in writing, of the procedure for appeal of the Heritage Preservation Commission's decision.

*Source:* Ordinance No. 121, 3rd Series  
Effective Date: 5-8-92

**Subd. 4. Reserved for Future Expansion.**

*Source:* Ordinance No. 73, Third Series  
*Effective Date:* 6-9-89

**Subd. 5.** Decisions of Commission.

- A. In the case that the Commission has made the necessary findings that buildings, lands or areas or districts cannot be preserved without acquisition, the Commission shall recommend to the Council that the property in question be acquired by gift, by negotiation or by eminent domain as provided for in Chapter 117 of Minnesota Statutes.
- B. The Commission may also recommend to the council variations of use from those permitted by the Zoning Chapter which are comparable to the improvements on the property and to other properties in the area when the Commission finds that such variances are necessary to alleviate financial hardship placed upon the owner of designated properties by orders of the Commission.

*Source:* Ordinance No. 62  
*Effective Date:* 12-20-75

**Subd. 6.** Recording of Designated Areas. The City Clerk shall record with the Goodhue County Recorder the legal description of all buildings, lands or areas designated for historical preservation by the Council.

*Source:* Ordinance No. 62  
*Effective Date:* 12-20-75

**SEC. 16.03. DESIGN GUIDELINES FOR LOCAL HISTORIC DISTRICTS.**

**Subd. 1.** No building permit, for exterior or interior structural changes that would impact any future exterior renovation to any building, structure, or landscape, located within a local historic district, shall be issued, until such time as the applicant has submitted a design review application to the Heritage Preservation Committee and received a Certificate of Appropriateness. Said design review application shall be on a form prescribed by the Heritage Preservation Commission. In the event a Certificate of Appropriateness is not granted, the applicant may appeal the decision of the Heritage Preservation Commission to the Council.

*Source:* Ordinance No. 73, Third Series  
*Effective Date:* 6-9-89

**Subd. 2.** When reviewing design applications for a Certificate of Appropriateness, the Commission shall make its findings based upon the following guidelines and criteria:



- A. A completed design review application form available from the City Planner or Building Inspector.
- B. Adherence to the Secretary of Interior's General Standards for Historic Preservation Projects as amended:
  - 1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose. The Commission may require written economic, architectural, and/or building use justifications for proposed uses which would alter the compatibility of the building or use with surrounding buildings.
  - 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.
  - 3. All buildings, structures, and sites shall be recognized as products of their own time. Proposed alterations which have no historical basis and which seek to create an appearance from an earlier era shall be avoided whenever possible.
  - 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. If significant, these changes shall be left intact whenever possible.
  - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be retained if at all possible.
  - 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  - 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
9. Contemporary design for alterations and additions to existing properties shall be discouraged when such alterations and additions destroy significant historic, architectural, or cultural material and such design is not compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to structures approved by the Heritage Preservation Commission shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
11. The original exterior walls or surfaces of buildings and structures shall be retained to the maximum extent possible. In no case shall more than 25% of the original exterior walls or surfaces be destroyed, removed, or covered.

*Source: Ordinance No. 73, Third Series*  
*Effective Date: 6-9-89*

**Subd. 3.** The applicant shall identify the Proposal as one of Six Classifications of Work: (1) Minor Face Lift; (2) Major Face Lift; (3) Restoration; (4) Major Rehabilitation; (5) New Construction; and, (6) Signage. In all of the six classifications, the applicant shall attach the following information (listed below) to the design review application form: (1) current photograph; (2) scaled elevation of side(s) of building to be modified; (3) paint chips; (4) narrative of work to be done and how the work relates to the architectural history of the building. (A history of the building is available from the City Planning office, City Library, and/or the Goodhue County Historical Museum); and, (5) building material samples.

**A. Minor Face Lift.**

1. A minor face lift is defined as work that does not significantly alter, but rather, enhances the historic or original exterior appearance of the building. This may include refinishing, repair, painting, and general maintenance.
2. The Heritage Preservation Commission encourages the use of materials similar to those used in the original construction, wherever possible. Synthetic and non-similar materials may be allowed only when replacement of similar materials is not feasible.

3. Wherever possible, new additions or alterations to buildings shall be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would not be destroyed. The Heritage Preservation Commission will not approve sandblasting or chemical treatment that would damage the building. The Heritage Preservation Commission will not approve the removal of cornices, painting of unpainted masonry, alterations to existing historic or original openings for windows and doorways and changes to other significant architectural detail.

B. Major Face Lift.

1. A major exterior wall face lift shall not destroy the distinguishing qualities or character of the property and its environment. It shall enhance the existing size, scale, color, material, and character of the exterior historic features of the building.
2. The requirements for building modification outlined under minor face lift also apply to major face lift. The removal or alteration of any historic material or architectural features shall be minimized, consistent with the proposed use.
3. Change of an "intrusive" building shall be encouraged if such design is compatible to the size, scale, color, material, and character of the neighborhood or adjacent buildings. (Definition for "intrusive" from District Plan.)

C. Building Restoration.

1. Building restoration is defined as the act or process of accurately recovering the original form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
2. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, new synthetic material shall match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of original features, substantiated by physical or pictorial evidence from the local district survey information rather than on conjectural designs or the availability of different architectural features from other buildings.

D. Rehabilitation. Rehabilitation is defined as the act or process of returning a property to a state of utility (both interior and exterior) through repair or

alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

- E. New Construction. New construction with designs which are architecturally significant and durable shall be encouraged. Contemporary design for new buildings in old neighborhoods and additions to existing buildings or landscaping shall be encouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood and adjacent buildings. New retail buildings shall have window and doorway openings compatible with adjacent buildings in the district.

*Source:* Ordinance No. 139  
Effective Date: 5-19-83

- F. Signage. Signage shall be designed to enhance and complement the historic character of buildings within the district. Prior to issuance of a sign permit for a new sign or the replacement of an existing sign, the applicant shall complete a design review application. The Heritage Preservation Commission shall review said application and issue a Certificate of Appropriateness provided the following guidelines are met:

1. Compliance. All sign permits for property within the local historic districts shall comply both with the requirements of this Chapter and with City Code, Section 11.80.
2. Sign and Placement. Signs shall be positioned so they are an integral design feature of the building which means that signs shall help define and enhance the architectural features of the building and shall be placed so that they do not destroy architectural details such as but not limited to stone arches, glass transom panels, or decorative brickwork. Signs may be placed only in the horizontal lintel "sign space" above the store front windows, or within window glass, attached to awnings, or in areas where signs were historically attached. In addition to the maximum sign sizes and placement which are controlled by City Code, Section 11.80, the following rule shall be followed: Awning signs may be placed on the side panels, front drop, or awning valance but shall not extend vertically or horizontally beyond the limits of an awning and shall not exceed 40% of the surface area of the side panel, front drop, or valance of the awning.
3. Colors. Sign colors shall blend with the building facade to which the sign is attached and be compatible with the property's use. No more than two colors shall be used for sign lettering.
4. Message. The sign message shall be legible and relate to the nature of

the use. These requirements may be accomplished through the use of words, pictures, names, symbols, and logos.

5. Lettering. Lettering styles shall be legible and relate to the character of the property's use. In addition, a sign shall contain no more than two lettering styles; and lettering shall occupy no more than 60% of the sign's total area and capital letters shall be no more than 75% of the height of the sign background.
6. Illumination. External illumination of signs is permitted. Illumination may be incandescent or fluorescent but shall emit a continuous white light that prevents direct light from shining onto the street. Exposed neon lighted signs may be appropriate to the historic district provided they meet the other requirements of this Section. The use of internally lit signs, such as but not limited to, backlit plastic, is not permitted. Exceptions to this guideline shall be allowed for the following: public service time and/or temperature signs; theater signage.
7. Freestanding Signs. All freestanding signs which comply with the requirements of City Code, Section 11.80 shall be located, sized, and landscaped so that they do not obscure the view of historic properties.
8. Historic Projecting Signs. A sign may project more than 18 inches from the building or structure onto public rights-of-way if it meets all of the following criteria:
  - a. Historic projecting signs are only allowed within designated local historic districts and after application and approval of a design review application.
  - b. There shall be no more than one historic projecting sign per storefront business with a street entrance except that retail malls shall be allowed one historic projecting sign per major public entrance. There shall be no more than two historic projecting signs located within any 20 foot block frontage on the same side of the street.
  - c. A historic projecting sign shall be considered secondary to other signage on the building. The maximum allowable size of each sign shall be 6 square feet per sign face. Historic projecting signs set perpendicular to the building wall shall be double faced and allowed up to 12 square feet for both sides. Historic projecting signs shall present the same image on each side so public view is a consistent view and no plain backs are in public view. Three dimensional object signs shall not exceed 2 square feet at their largest cross section.
  - d. No historic projecting sign shall have a width greater than 4 feet.

- e. Historic projecting signs shall not extend more than five feet beyond the wall of the building. Such signs shall not be closer than six inches from the wall of the building to which it is attached.
- f. No part of the historic projecting sign and supports shall be less than eight feet above grade nor higher than 2/3rds of the height of the building to which it is attached or 15 feet above grade, whichever is higher.
- g. All projecting signs and brackets shall be securely fastened to the building.
- h. Supporting brackets shall be designed to be compatible to the sign and bolted whenever possible into masonry joints in order to avoid damaging brick or other stonework.
- i. Historic projecting signs shall be designed so that they are compatible with the architecture of the local historic district that the sign is located within and shall be compatible with the architectural style and character of the building to which the sign is attached. Well-designed contemporary signs, which symbolize the services offered, are encouraged. Allowed historic projecting signs shall be designed to be legible, related to the character of the property's use, and be constructed of compatible material to the building such as wood, iron, or steel.
- j. No historic projecting sign shall be erected, placed or mounted in such a manner as to interfere with any exit, fire escape or window of any building, nor shall any historic projecting sign interfere with, block, cover or overlap an architectural feature of the building, such as: cornices, window trims, lintels, and decorative brick, stone, inlays, or other similar architectural ornamentation.
- k. No historic projecting sign or sign structures shall have any nails, tacks, wires, or sharp metal edges protruding therefrom.

*Source:* Ordinance No. 288, Third Series  
Effective Date: 2-13-01

9. A-Frame/Swinger/Sandwich Signs. A-Frame style signs shall be permitted provided they meet the following regulations:
- a. Such signs shall be no larger than ten (10) square feet in sign area per side.

- b. Such signs shall not be higher than forty-eight (48) inches (4 feet) or wider than thirty (30) inches (2-1/2 feet).
- c. Such signs shall only be displayed during business hours.
- d. Such signs may be placed on private property or on the public sidewalk near the place of business but must provide at least sixty (60) inches (5 feet) of clearance on the sidewalk for pedestrian movement.
- e. Only one such sign shall be allowed per Zoned Lot.
- f. Such signs shall complement and enhance the architectural qualities of the building and shall be compatible and consistent with the façade of the building and other permanent signage on the building.

*Source:* Ordinance No. 391, Third Series  
*Effective Date:* 12-26-05

**Subd. 4.** The Commission shall make findings of fact prior to approving a Certificate of Appropriateness. These findings shall include:

- A. In the case of a proposed alteration or addition to an existing building that such alteration or addition will not materially impair the architectural or historic value of the building; the HPC shall make written findings considering the existing structures and existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving, setback and color.
- B. In the case of the proposed demolition of a building, prior to approval of such demolition the Commission shall make written findings on the following: architectural and historical merit of the building, the effect on surrounding buildings, the effect of any new proposed construction on the remainder of the building, in case of partial demolition, and on surrounding buildings; the economic value or usefulness of the building as it now exists; or if altered or modified, in comparison with the value or usefulness of any proposed structure designated to replace the present building or buildings.
- C. In the case of a proposed new building, that such building will not in itself, or by reason of its location or the site, materially impair the architectural or historic value of buildings or adjacent sites in the immediate vicinity within the preservation district.
- D. The Heritage Preservation Commission shall compare the proposal with an equivalent pivotal building of similar architectural style that is located within the same local district.

**Subd. 5.** The applicant shall pay to the City the following design review fees:

- A. \$25.00, upon submission of the design review application;
- B. .0025 x the value of exterior improvements exceeding \$10,000 in value, upon submission of the building permit application;
- C. Notwithstanding the foregoing, no fee shall be required under this Chapter for design review relating to signage.

*Source:* Ordinance No. 73, Third Series

*Effective Date:* 6-9-89

**Subd. 6.** Amortization - Removal of Nonconforming Signs. Any sign which is not in conformity with the provisions of this Chapter shall be amortized and removed from the Heritage Preservation District by March 1, 1996, and continuance of such a sign shall thereafter be unlawful and subject to all penalties imposed by this Chapter and City Code, and the City may exercise any and all remedies available to it, including civil remedies to compel its removal. Until removed, all signs shall be kept in good repair; however, if major repair is required, the sign shall be removed from the Heritage Preservation District. Major repair includes but is not limited to replacement or covering of more than 25% of the surface area of the sign or replacement of a structural, major electrical or supporting part.

*Source:* Ordinance No. 40, 3rd Series

*Effective Date:* 12-28-87

**Subd. 7.** If no action upon the design review application submitted to the Commission has been taken at the expiration of thirty (30) days from the date submitted, the Certificate of Appropriateness shall be deemed to be issued.

*Source:* Ordinance No. 73, Third Series

*Effective Date:* 6-9-89

**Subd. 8.** Upon issuance of a Certificate of Appropriateness, the Commission shall furnish the applicant and the Building Inspector with a copy of the certificate. In the event the Commission denies the issuance of a Certificate of Appropriateness, the Commission shall furnish the applicant and the Building Inspector with a copy of recommendations for changes necessary to be made before the Commission will reconsider the application. Said Certificate or recommendations shall be dated as of the date on which the Commission reached its decision on said application and shall be sent to the address of the applicant as shown on the application.

*Source:* Ordinance No. 73, Third Series

*Effective Date:* 6-9-89



**Subd. 9.** Any individual having a legal interest in property affected by the Commission's decision pursuant to Subd. 7 of this Section shall, within thirty (30) days after the date of said decision, have a right to appeal such decision to the Council for review.

*Source:* Ordinance No. 73, Third Series  
*Effective Date:* 6-9-89

## **SECTION 16.04. DESIGN GUIDELINES FOR NEIGHBORHOOD CONSERVATION DISTRICTS.**

**Subd. 1.** Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. "Directional expression of a building" means that the structural shape, placement of openings, and architectural details provide for a predominantly vertical, horizontal, or non-directional character to the major elevations of a building.
- B. "Major elevation" means those portions of a structure which are visible from the abutting public streets.
- C. "Subordinated or minor elevation" means those portions of a structure which are not major elevations.

**Subd. 2.** Application Required.

- A. No Certificate of Appropriateness for demolition, building additions, or new construction for any building, structure, or landscape located within a Neighborhood Conservation District shall be issued until such time as the applicant has submitted a design review application to, and said application has been reviewed and approved by, the Heritage Preservation Commission. No application shall be accepted unless completed in full and accompanied by any additional information as may reasonably be required by the Heritage Preservation Commission.
- B. Design review applications shall be on a form prescribed by the Heritage Preservation Committee, and available from the City Planner or Building Inspector. Review by the Heritage Preservation Commission shall not be required for accessory structures and garages which have been determined to have no special or unique historic characteristics. The Heritage Preservation Commission shall conduct surveys in all Neighborhood Conservation Districts for the purpose of identifying and inventorying said special or unique accessory structures and garages.

**Subd. 3.** The Heritage Preservation Commission shall make findings of fact prior to approving a Certificate of Appropriateness. These findings shall include:

A. In the case of proposed demolition of a building or structure, i) the architectural and historic merit of the building/structure, ii) the effect of demolition on surrounding buildings and structures, iii) if a partial demolition, the effect of the proposed demolition on the remainder of the building, iv) the economic value or usefulness of the building as it currently exists, compared with the economic value or usefulness of the proposed building or structure.

B. In the case of additions and new construction, Certificates of Appropriateness for additions to subordinated or minor elevations and new construction of accessory structures and garages shall be issued without review by the Heritage Preservation Commission. The Heritage Preservation Commission shall review applications relating to major elevations and new construction of principal buildings for compatibility of said addition or new construction with standard characteristics found within the Neighborhood Conservation District. Said standard characteristics shall be established for the following:

- building height
- mass of building/structure
- volume
- scale of adjacent structures
- roof lines
- site setbacks
- proportion of door and window openings
- directional expression of buildings

C. In the case of public improvements, the Commission shall review all plans for curb and gutter, street, or utility reconstruction and comment to the City Council on the effects of said improvements within thirty (30) days of notification of the project. No construction or reconstruction of a public improvement shall commence until said comment has been made to the City Council or thirty (30) days has elapsed since the Commission was notified of the project. Review shall not be required for routine maintenance, repair, or emergency work such as street patching, street overlays, driveway installations, boulevard tree planting, accessibility ramp improvements, utility repairs, sidewalk repair, or sidewalk replacement.

**Subd. 4.** Standards For Issuance. A Certificate of Appropriateness shall not be issued until the Commission determines that the project proposed in the design review application complies with the guidelines set forth in Red Wing City Code, Section 16.03, Subd. 2.B, 1-10.

**Subd. 5. A.** If no action upon the design review application submitted to the Commission has been taken at the expiration of thirty (30) days for new construction or

additions, or 120 days for demolitions, from the date the application is accepted, the Certificate of Appropriateness shall be deemed to be issued.

**Subd. 6.** Upon acceptance by the City of a design review application for demolition, signs shall be posted on all proposed demolition sites indicating the following:

- A. the building/structure to be demolished,
- B. the future plans for the site,
- C. that a 120 day waiting period, from the date the application is accepted, is in effect before demolition may begin, and
- D. the actions taken to mitigate the adverse impacts of demolition.

**Subd. 7.** Upon issuance of a Certificate of Appropriateness, the Commission shall furnish the applicant and the Building Inspector with a copy thereof. In the event the Commission denies the issuance of a Certificate of Appropriateness, the Commission shall furnish the applicant and the Building Inspector with a copy of recommendations for changes necessary to be made before the Commission will reconsider the application. Said Certificate or recommendations shall be dated as of the date the Commission reached its decision on said application and shall be sent to the address of the applicant as shown on the application.

**Subd. 8.** Any individual having a legal interest in property affected by the Commission's decision pursuant to Subd. 3 of this Section shall, within thirty (30) days after the date of said decision, have a right to appeal such decision to the Council for review.

*Source:* Ordinance No. 121, Third Series  
*Effective Date:* 5-8-92

**(CODIFIER'S NOTE:** Heritage Preservation Districts appear in Chapter 25.)

**(Sections 16.05 through 16.98, inclusive, reserved for future expansion.)**

**SEC. 16.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

*Source:* City Code  
*Effective Date:* 5-1-85

**State Historic Preservation Office  
Contract Historians  
10/31/2008**

**This list is provided for informational purposes to those who may require the services of a historical consultant. Inclusion on the list does not constitute an endorsement of the consultant's professional qualifications or past performance. It is comprised of individuals and firms who have completed cultural resource work in the State of Minnesota and have requested to be included on this list.**

**It is recommended that work references be checked and multiple bids be obtained before initiating a contractual agreement. The SHPO will not recommend specific contractors, but may be able to comment on previous work reviewed pursuant to state and federal standards and guidelines. The SHPO can be contacted at the Minnesota History Center, 345 Kellogg Blvd. W., St. Paul, MN 55102, 651-259-3450.**

AECOM  
Amy Ollendorf  
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**MINNESOTA HISTORICAL SOCIETY**

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## INTRODUCTION

Since its initial enactment in 1966 and through several amendments, the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.), has provided the statutory framework for the national historic preservation partnership. Federal, State, Tribal and local governments have well-defined and significant roles in the identification, evaluation, designation and protection of historic and prehistoric properties. The State Historic Preservation Office (SHPO) develops and administers a comprehensive preservation program which in Minnesota, is housed at the Minnesota Historical Society.

The success of the federal-state relationship prompted Congress to expand the partnership to include local governments in 1980. Local units of government were given the opportunity to participate in the national preservation program by becoming a Certified Local Government (CLG). The role of CLGs in the partnership includes the responsibilities of administering local preservation ordinances, maintaining systems for survey of historic resources, and participating in the National Register of Historic Places program. In order to become certified, a local government must meet several requirements, chief of which are to have enacted an historic preservation ordinance and appointed a qualified Heritage Preservation Commission (HPC). The federal act directs the State Historic Preservation Officer (SHPO) and the Secretary of the Interior to certify local governments to participate in the partnership.

The Certified Local Government program is the primary way through which qualified and interested local governments participate in the national historic preservation partnership. This handbook describes how the CLG program operates in Minnesota.

### I. PURPOSE OF THE CLG PROGRAM

The CLG program seeks to encourage and expand local involvement in preservation issues through a partnership between the CLG and the SHPO. To strengthen existing local preservation programs and to promote the development of new ones, CLGs are eligible to apply annually for grants administered by the SHPO from a designated federal CLG pass-through allocation (see Section VI. Process for Allocating CLG Grant Pass-Through Funds to CLGs). CLGs assume a leadership role by identifying, evaluating and protecting historic resources within their communities; receiving technical advisory services from the SHPO; and having a formal role in the National Register process.

CLGs can choose to assume other responsibilities such as participating in the review of federal projects, reviewing state tax credit projects and administering covenants.

The primary goal of participating in the CLG program is to strengthen the historic preservation program at the local level. The CLG program ensures that historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision-making process at the earliest possible opportunity. Historic preservation should be considered equally with other planning issues in a CLG and not be viewed as superfluous to decision-making. CLG status can bring pride and official recognition to a community that is committed to historic preservation.

## II. ELIGIBILITY

Any general purpose subdivision of the state, such as a city, town or county, which meets the criteria set forth in this document is eligible to apply for certification.

## III. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENTS

Five broad federal standards, all of which must be met by a local government seeking certification, are amplified by the specific Minnesota CLG requirements.

### A. **The local government must enforce appropriate state or local legislation for the designation and protection of historic properties.**

1. The local government must adopt a municipal heritage preservation ordinance under the provisions of Minnesota Statutes 471.193 (Appendix B). The purpose of the ordinance must be clearly stated and be in conformance with definitions set forth in Section 101 (c) (4) of the National Historic Preservation Act, as amended, and 36 CFR 61.6. For the purpose of the CLG program, the Act defines:

“Designation” as “the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and pre-historic resources within the jurisdiction of a local government.” Designation includes the identification and registration of resources according to State or local criteria which must be consistent with the Secretary of the Interior’s Standards for Identification and Registration.

“Protection” as “a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to” a local government becoming a Certified Local Government. The CLG’s local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate local process.

2. The ordinance must contain a clearly defined process for the survey, designation and protection of individual properties and/or districts of historic, architectural or archaeological significance. Both the criteria for determining significant properties and the procedure for designating those properties must be defined, either within the ordinance or in other procedures adopted by the local government. The process shall include forwarding all proposed designations to the Minnesota SHPO for comment before final local designation is made, pursuant to Minnesota Statutes 471.193 Subd. 6. Properties shall not be removed from designated status except in cases where there has been a procedural or professional error in the designation process or where the property has been destroyed or radically altered. The process for local designation must provide for public comment.

3. The ordinance must contain a clearly defined process for the review of all proposed alterations, relocations, demolition, or new construction within the boundaries of locally designated properties and/or districts. Both the criteria to be utilized in the evaluation of proposed actions and the procedure for reviewing those actions must be clearly stated, either within the ordinance or in other procedures adopted by the local government. The Secretary of the Interior's Standards for Treatment of Historic Properties should be utilized in developing the review criteria (Appendix C). The process of permit review must provide for public comment.
4. The HPC must adhere to Minnesota Statutes 138.17 and the procedures of the State Archives Department, Minnesota Historical Society regarding commission records ([www.mnhs.org/preserve/records/infoleaf9.pdf](http://www.mnhs.org/preserve/records/infoleaf9.pdf)).
5. Local governments should consult 36 CFR 67.8 to insure that local ordinances meet the certification criteria pursuant to the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1976. Note that certification of a local government under the CLG procedures does not constitute certification of a commission under the preservation tax incentives process.

**B. The local government must establish an adequate and qualified historic preservation commission by State or local legislation.**

1. The local government shall create a heritage preservation commission (HPC) to carry out the provisions of the ordinance.
2. All commission members must have a demonstrated interest, competence or knowledge in historic preservation. If available in the community, at least two members of the HPC shall be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines. Other related professions might include the building trades, real estate or law. For the purposes of commission membership as described in this section, the professional standards stipulated in Appendix A need not be met. One member of the HPC must be a designated representative of the county historical society in which the commission is located, if available, pursuant to the Minnesota Statutes, 471.193 Subd. 5.

Specific disciplines and professional qualifications must be represented on the commission (or professional expertise must be sought) when considering National Register nominations (see III.B.4.) and other actions that will impact properties which are normally evaluated by a professional in such a discipline.

Regarding conflicts of interest, it is federal policy that no person shall participate in the selection, award, or administration of any HPF-assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists. By definition, "person" includes CLG commission members, agents, or staff. Commissions are encouraged to adopt procedures for a conflict of interest situation. The SHPO can provide examples of the conflict of interest statements used by its boards and committees.

3. The HPC shall meet as often as is necessary to complete the workload in a timely fashion.
4. The HPC's responsibilities regarding local designation of properties and building permit review are mentioned in III.A.2. and III.A.3. above. Federal law prescribes that the commission participate in the National Register nomination process as follows:
  - a. Before a property within the jurisdiction of the Certified Local Government may be considered by the State to be nominated to the Keeper of the National Register for inclusion on the National Register, the SHPO shall notify the owner, the applicable chief local elected official, and the local HPC. The HPC, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the SHPO, the chief local elected official shall transmit the report of the commission and his/her recommendation to the SHPO. Except as provided below, after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to established procedures. The state may expedite such process with the concurrence of the certified local government.

If the HPC chooses to initiate the nomination of a property to the National Register and submits that nomination to the SHPO, the HPC may include the comments of the chief local elected official and the HPC with the initial submittal to the SHPO, along with a request that the 60 day comment period for CLGs be waived. In such cases, the SHPO will give the standard required 30 days notice to both the property owners (s) and the local government of the State Review Board meeting. The required 60 day CLG review period may thus be waived.

- b. If both the commission and the chief local elected official recommend that property not be nominated to the National Register, the SHPO shall take no further action, unless within thirty days of the receipt of such recommendation by the SHPO an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making nomination pursuant to established procedures. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Keeper of the National Register.

c. All nominations, when sent by the SHPO to the CLG for comment, will be classified as primarily historic, archaeological, and/or architectural in nature. If an HPC does not have professional expertise in accordance with the necessary federal qualifications in the appropriate area(s)<sup>1</sup> (see Appendix A), the HPC can 1) choose not to comment on that nomination through the CLG review process (in which case it should advise the SHPO of that choice), or 2) obtain the opinion(s) of a qualified professional or qualified professionals in the subject area and consider the opinion(s) in their recommendation. Under 2), both the credentials and the opinion(s) of the consulted professional(s) should be submitted to the SHPO with the CLG recommendation. Even if the HPC chooses not to comment under the CLG process outlined above (e.g., when professional expertise is not available), comments on a nomination may be submitted to the SHPO in as much as any interested party may submit comments. The provisions of 3.b. above, however, would not apply in such cases. The SHPO can provide assistance in locating qualified professionals.

5. Federal guidelines also require that the unit of government and the HPC possess certain financial qualifications in order to receive federal pass-through funds. These will be explained in Section VI.
6. The functions of the HPC must be complimentary to and carried out in coordination with the responsibilities of the SHPO as defined in 36 CFR 61.
7. The SHPO shall make available to HPCs orientation materials and training workshops designed to provide a working knowledge of the roles and operations of federal, state and local preservation programs and historic preservation in general.

**C. The local government must maintain a system for the survey and inventory of historic properties.**

The local government must maintain an ongoing process to survey and inventory all buildings, structures, sites and districts within the local jurisdiction. This survey information must be clearly organized and accessible to the public (excluding restrictions on locations of archaeological sites). The SHPO should be consulted in the initial development of such a system, and the inventory forms of the SHPO should be used or, alternatively, local inventory forms should be approved by the SHPO. The local inventory should clearly indicate those

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<sup>1</sup> For an architectural nomination, the commission must have a member who qualifies under the federal architectural history or historic architecture standards. For a history nomination, the commission must have a member who qualifies under the federal history standards. For an archaeological nomination, the commission must have a member who qualifies under the federal archaeology standards. If a nomination is classified in more than one area, the commission must have expertise in all appropriate areas in order to comment through the CLG comment process.

properties that have been designated locally as well as those listed in the National Register of Historic Places. All surveys should be conducted according to the *Guidelines for SHPO Architecture/History Projects*.

1. The local government must submit a copy of the local inventory form for each locally designated property and district to the SHPO.
2. The local government must advise the SHPO on the status of the local inventory on an annual basis (see E.2.e).
3. The local survey information submitted to the SHPO will be integrated into the statewide inventory. The SHPO may request additional survey and inventory data from the local government as part of the development of the state's comprehensive planning process.

**D. The local government shall provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.**

1. All meetings of the commission shall adhere to the Minnesota Open Meeting Law (Minnesota Statutes 471.705).
2. All National Register nominations on which the commission chooses to comment (as outlined under III.B.4. above) must be considered at an open meeting of the commission, with opportunity for public comment.
3. Both the local designation process and the building permit review process (see III.A.2. and III.A.3.) must contain a provision for public comment on proposed actions.
4. Minutes of all commission decisions and actions, including the reasons for making those decisions, must be kept on file and available for public inspection.

**E. The local government shall satisfactorily perform the responsibilities listed in points A-D above and those specifically delegated to it under the Act by the Minnesota SHPO.**

1. The local government will demonstrate performance of the responsibilities listed in points A-D in an annual report to be submitted to the SHPO by October 30 for each preceding year (October 1 - September 30).
2. This report must demonstrate an active commitment of the HPC to an effective community preservation program. It should contain, at minimum, the following information:
  - a. Number, names, and dates of local designations made during the year. (Inventory forms on these sites should have been submitted to the SHPO during the year as part of the local designation process - see III.A.2.).



- b. Number of building permits reviewed during the year, and a summary of findings of the HPC on those reviewed.
  - c. Listing of members and officers of the HPC including preferred mailing address, phone number and e-mail address, resumes for any new members, and an indication of the commissioner who represents the county historical society.
  - d. Listing of 1) National Register nominations on which the HPC has commented, and 2) National Register nominations submitted to the State Historic Preservation Office for nomination, during the year.
  - e. A summary of available inventory information currently included in the local inventory. This might be done with a simple listing of inventoried property addresses. Maps and other material may also be useful. The location of the inventory records should also be indicated.
  - f. Assurances that the HPC has adhered to 1) the public participation provisions as stipulated under Section III.D. and 2) the procedures of the State Archives Department, Minnesota Historical Society, regarding commission records.
  - g. Descriptions of other activities, publications or events undertaken by the HPC during the previous year and planned by the HPC for the coming year.
3. The performance standards for the items listed in III.E.2., above, will be as follows:
- a. The HPC must demonstrate an ongoing process of local designation with a minimum of one designation a year. (In situations where this may not be possible, as in very small cities where the entire area of jurisdiction is designated, the city should explain the reasons for a lack of action.)
  - b. The HPC must show that all permits related to designated properties are being reviewed, according to the procedure set forth in the ordinance.
  - c. The requirements of Section III.B.2 must be met.
  - d. (No minimum.)
  - e. The inventory should be shown to be clearly organized and accessible to the public.
  - f. (No minimum.)
  - g. (No minimum.)

4. At least one member of the HPC must attend SHPO-sponsored training each year. (If attendance at a statewide workshop or conference is not possible, the SHPO should be consulted for an alternate means of meeting this training requirement.) Technical and other information for commissions is available from the SHPO.

#### **IV. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS**

##### **A. The chief elected official of the local government shall request certification from the Minnesota SHPO. The request for certification shall include the following:**

1. A copy of the local historic preservation ordinance.
2. Copies of local inventory forms for all sites and districts locally designated, and a summary of available inventory information on properties not locally designated (property addresses, maps, etc.).
3. Resumes for each of the members of the historic preservation commission. These resumes must clearly show that all members have a demonstrated interest, competence or knowledge in historic preservation, and that at least two members are preservation-related professionals (see III.B.2.). (If these professionals are unavailable, an explanation should be attached.) The resumes should also indicate expertise in the areas of architectural history, archaeology, and history, for the purpose of establishing expertise to review National Register nominations (see III.B.3.c.)

##### **B. SHPO and National Park Service Review**

The SHPO will respond to the chief elected official within 60 working days of the receipt of an adequately documented written request. If the local government meets the criteria for certification, the SHPO will prepare a written certification agreement that lists the specific responsibilities of the local government when certified and forward that agreement to the local government for signature (see Appendix D for model agreement). When the signed agreement is returned to the SHPO the request and agreement will then be forwarded to the National Park Service for review with a request for concurrence. If the NPS does not take exception to the request within 15 working days of receipt, the local government shall be regarded as Certified. A Certification Agreement is not effective until it is signed by the chief elected official and the SHPO, and concurred with in writing by NPS. The effective date of certification is the date of NPS concurrence. When NPS concurs with the SHPO recommendation for certification, NPS will notify the SHPO in writing, and send a copy of that letter to the CLG.

## **V. PROCESS FOR MONITORING AND DECERTIFYING CLGS**

- A.** The SHPO will review the annual reports submitted by certified local governments, records of the administration of funds allocated from the Historic Preservation Fund, and other documents as necessary, to assure that each government is fulfilling the required standards. Other review and monitoring may be conducted as necessary.
- B.** If the SHPO evaluation indicates that the performance of a CLG is inadequate, the SHPO shall document that assessment and delineate for the local government ways to improve performance. The CLG shall have a period of not less than 30, nor more than 180 days to implement improvements. If the SHPO determines that sufficient improvement has not occurred, the SHPO will recommend decertification of the local government to the Secretary of the Interior citing specific reasons for the recommendation.
- C.** If the local government is decertified, the SHPO will conduct financial assistance closeout procedures as specified in the HPF Grants Manual.

## **VI. PROCESS FOR ALLOCATING CLG GRANT PASS-THROUGH FUNDS TO CLGs**

The Minnesota SHPO administers the CLG Grant program and produces and distributes a CLG Grants manual each year that describes the application process, matching requirements and priorities for the given year. Under this program, in accordance with the Department of the Interior requirements for the Historic Preservation Fund programs, at least ten (10) percent of Minnesota's annual HPF appropriation is designated as pass-through funding to Certified Local Governments (CLGs) each year. This pass-through grant program has assisted CLGs across the state of Minnesota build and strengthen their local preservation programs.

The CLG Grants Manual includes information on General Grant Conditions, Eligible Program Activities and Priorities for Projects, the Application Process, Instructions for Completing Application Forms, and Project Administration and Reporting. Application Forms, a sample CLG Grant Agreement and sample Project Description (Attachment A), a CLG Request for Reimbursement Form, Supplemental Information on Allowable Costs, and forms for fiscal documentation are also included. Because federal funds are used for CLG grants, numerous federal regulations apply. Federal regulations will be enforced, and failure on the part of a CLG to meet them will result in the cancellation of a grant project. All work accomplished under these grants must meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation.

Providing matching funds may be an annual prerequisite and is one of the selection criterion for CLG grants. Applicants are encouraged to provide a match that exceeds the minimum requirement. Matching funds may be cash, in-kind and/or donated services or materials contributed to the project or a combination of the three.

There are six areas of eligible program activity for CLG grants: (A) Comprehensive Planning; (B) Survey; (C) Evaluation; (D) Local Designation Forms; (E) National Register Nomination Forms; and (F) Public Education. The CLG Grants Manual provides guidance and examples for each category. Projects receive special priority are those that: reflect the goals and strategies in the statewide preservation plan; promote sound preservation planning through historic context development and the completion of historic and archaeological surveys; result in local designations; and involve properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities).

Projects will be evaluated on the following criteria (total points available 100):

1. How well the applicant addresses questions for each category in the CLG Grants Manual (0-25 points);
2. How well the annual priorities and criteria outlined in the CLG Grants Manual are addressed and how well the project is related to the state preservation plan (0-15 points);
3. Clearly stated measurable goals that can be realistically attained within the funding period (0 to 15 points);
4. Demonstrated community support and leveraged funds (0 to 15 points);
5. Products and past performance of previously administered CLG grants (0 to 15 points);
6. Quality and practicality of the budget (0 to 15 points).

The CLG Grants Manual is available by contacting the Grants Office at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102-1906; telephone (651) 296-5478.

## APPENDIX A

### PROFESSIONAL QUALIFICATIONS STANDARDS

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

#### History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

#### Archaeology

The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

## **Architectural History**

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

## **Architecture**

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

## **Historic Architecture**

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

## APPENDIX B

### State Enabling Legislation for Heritage Preservation Commissions (from 2001 Minnesota Statutes)

#### 471.193 MUNICIPAL HERITAGE PRESERVATION.

Subdivision 1. Policy. The legislature finds that the historical, architectural, archaeological, engineering, and cultural heritage of this state is among its most important assets. Therefore, the purpose of this section is to authorize local governing bodies to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this state.

Subd. 2. Heritage preservation commissions. The governing body of a statutory or home rule charter city, county, or town as described in section 368.01, subdivisions 1 and 1a may establish a heritage preservation commission to preserve and promote its historic resources according to this section.

Subd. 3. Powers. The powers and duties of any commission established pursuant to this section may include any power possessed by the political subdivision creating the commission, but shall be those delegated or assigned by the ordinance establishing the commission. These powers may include:

- (1) the survey and designation of districts, sites, buildings, structures, and objects that are of historical, architectural, archaeological, engineering, or cultural significance;
- (2) the enactment of rules governing construction, alteration, demolition, and use including the review of building permits, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas;
- (3) the acquisition by purchase, gift or bequest, of a fee or lesser interest, including preservation restrictions, in designated properties and adjacent or associated lands which are important for the preservation and use of the designated properties;
- (4) requests to the political subdivision to use its power to eminent domain to maintain or preserve designated properties and adjacent or associated lands;
- (5) the sale or lease of air rights;
- (6) the granting of use variations to a zoning ordinance;
- (7) participating in the conduct of land use, urban renewal, and other planning processes undertaken by the political subdivision creating the commission; and
- (8) the removal of blighting influences, including signs, unsightly structures, and debris, incompatible with the physical well-being of designated properties or areas.

No power shall be exercised by a commission which in contrary to state law or denied a political subdivision by its charter or by law. Powers of a commission shall be exercised only in the manner prescribed by an ordinance and no action of an ordinance unless expressly authorized by the ordinance.

Subd. 4. Exclusion. If a commission is established by the city of St. Paul, it shall for the purpose of this section exclude any jurisdiction over the capitol area as defined in section 15.50, subdivision 2.

Subd. 5. Commission members. Commission members must be persons with demonstrated interest and expertise in historic preservation and must reside within the political subdivision regulated by the ordinance establishing the commission. Every commission shall include, if available, a member of a county historical society of a county in which the municipality is located.

Subd. 6. Communication with the state historic preservation officer. Proposed site designations and design guidelines must be sent to the state historic preservation officer at the Minnesota Historical Society, who shall review and comment on the proposal within 60 days. By October 31 of each year, each commission shall submit an annual report to the state historic preservation officer. The report must summarize the commission's activities, including designations, reviews, and other activities during the previous 12 months.



## APPENDIX C

### SECRETARY OF THE INTERIOR'S STANDARDS FOR TREATMENT OF HISTORIC PROPERTIES

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic 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. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
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. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
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. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

## APPENDIX D

### MODEL LOCAL GOVERNMENT CERTIFICATION AGREEMENT

This agreement is made between the \_\_\_\_\_ of \_\_\_\_\_ [insert proper name of local government] and the Minnesota Historical Society.

1. As a Certified Local Government (CLG) established under the provisions of the “Minnesota Certified Local Government Handbook” and of 36 CFR 61.5 and 36 CFR 61.7, made a part of this agreement by reference, the \_\_\_\_\_ of \_\_\_\_\_ agrees to:

- A. Enforce appropriate state and local legislation for the designation and protection of historic properties. The CLG will conduct design review of designated properties according to the Secretary of the Interior’s Standards for Rehabilitation.
- B. Maintain an adequate and qualified historic preservation review commission by State and Local legislation.
- C. Maintain a system for the survey and inventory of historic properties.
- D. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register.
- E. Satisfactorily perform the responsibilities listed in points A-D above and those specifically delegated to it under the Act by the State Historic Preservation officer (SHPO).

2. The specified obligations of the CLG under each of the above areas are outlined in the document “Minnesota Certified Local Government Handbook.” Performance of these responsibilities will be demonstrated in the annual report submitted by the CLG to the SHPO by November 1 of each year (See Section I.E. of the Handbook). Failure to report or unsatisfactory performance may be grounds for potential decertification as described in Section III of the Handbook.

3. It is mutually understood that upon final execution of this agreement, the Local Government will achieve, subject to final review by the Secretary of the Interior, Certified Local Government status.

Transference of funds pursuant to said status will require compliance with this Handbook, and the current CLG Grants Manual.

4. The Certified Local Government agrees to indemnify and save and hold the SOCIETY, its agents, contractors, and employees harmless from any and all claims or causes of action arising from the CLG’s performance of this agreement.

5. The Certified Local Government will comply with Title VI of the Civil Rights Act of 1964; Public Law 88-352 (78 Stat. 241; 42 U.S.C. 2000d) which prohibits discrimination and is made a part of this agreement by reference.

MINNESOTA HISTORICAL SOCIETY

LOCAL GOVERNMENT

\_\_\_\_\_  
State Historic Preservation Officer                                      Date

\_\_\_\_\_  
Mayor                                                                                      Date

\_\_\_\_\_  
Deputy State Historic Preservation Officer                                      Date

\_\_\_\_\_  
Chair, \_\_\_\_\_ Heritage Preservation Commission                                      Date

Print Name:\_\_\_\_\_

\_\_\_\_\_  
Contracting Officer                                                                                      Date