

**WATERLOO HISTORIC PRESERVATION COMMISSION
REGULAR MEETING – OCTOBER 26, 2004 – 4:30 P.M.
POLICE DEPARTMENT LIBRARY – 2ND FLOOR CITY HALL**

Vice-chairperson McKean called the regular meeting of the City of Waterloo Historic Preservation meeting to order at 4:30 p.m.

Those in attendance were McKean, Ottesen, Malecek, Olsson, Reagle, Etheredge and Maar. Chris Wendland—attorney with City Attorney’s office and Kerry McGrath—State Historic Preservation Office CLG Program Coordinator present at the meeting. Also in attendance was staff member Morgan Hoosman.

Approval of Minutes

A motion was made by Etheredge to approve the minutes of the September 21, 2004 regular meeting as submitted. Seconded by Ottesen, and passed unanimously.

Approval of Agenda

A motion was made by Etheredge to approve the agenda amending the discussion items to the following order:

- 1) Highland Neighborhood Survey & other issues*
- 2) Local property tax exemption for Historic Buildings*
- 3) Michael and Donna Douglas Appeal*
- 4) Ordinance Revision*
- 5) Adoption of By-laws*
- 6) Strategic Planning Subcommittee*
- 7) Cedar Valley Gaming Co. Downtown Casino Project*

Seconded by Olsson, and passed unanimously.

Reports

Silos and Smokestacks

There was no report this month.

Main Street

Ottesen stated that Main Street recently completely their recertification for next year. Also, the Design Review Board has had a couple of sign reviews.

Agenda Items

There were no agenda items this month.

Discussion Items

Highland Neighborhood Survey and Other issues

Maar submitted a draft of a survey to be distributed to the highland residents. Etheredge suggested that the name and address be removed or stated as optional on the survey, which other Commissioners. Olsson questioned if there would be openings available on the Commission for Highland residents to serve, which staff stated that there would be potential openings in a few years when Etheredge or Levi completed their terms. McKean questioned the number of homeowners in Highland neighborhood, which Maar stated that there are 260 in the entire neighborhood. McKean suggested that a question be added to ask if the homeowners have had past experiences with the Commission. Etheredge also suggested that homeowners be asked if their past experiences were positive or negative. Commissioners also suggested asking homeowners if they would like to attend a meeting with Commissioners. Maar stated that she would revise the survey and submit the next draft by the November regular meeting.

Maar also noted that there is a new affordable multi-housing development project, Highland Crossing, near the Highland neighborhood that the residents are opposed. Maar also noted that members of the Commission had met with the president of the neighborhood association and a resident, and they asked the Commission to support the Highland neighborhood on the issue. Hoosman stated that the Commission was unable to make a statement due to the fact that there was no formal decision made by the Commission to take action on the issue. Etheredge stated concerns with a letter appearing to be antagonistic, and did not want to jeopardize a positive relationship with City Council in lieu of the legal matters with the Douglas lawsuit. McGrath and several Commissioners noted the need to support the Highland neighborhood since it is the only designated historic district, and to demonstrate an awareness for issues in the community related to historic preservation.

A motion was made by Reagle to approve a statement of concerns to be submitted to the City Council regarding the Highland Crossing project and other housing developments in the city, adjacent to the historic properties, subject to final draft approval. Seconded by Maar, and passed unanimously.

Local Property Tax Exemption for Historic Buildings

Hoosman with staff stated that a letter was submitted to the Black Hawk County Board of Supervisors on behalf of the Commission supporting the adoption of a local historic property tax exemption, which staff attended the October 19, 2004 meeting of the Board of Supervisors, and it was determined by the County Attorney that a historic property rehabilitation tax exemption was approved in 1993. Hoosman also stated that the County Assessor, Vicki Atkins, stated that one person has inquired about the exemption, but no one has completed the process for approval of work. McGrath suggested that the Commission work in conjunction with the LaPorte City Historic Preservation Commission to approach the Black Hawk County Board of Supervisors each year to make recommendations of the kind of properties eligible for the exemption to the County

Assessor. Commissioners expressed a need to acquire additional information on the local historic property tax exemption in order to educate and promote it. It was decided to place the item on next month's regular meeting agenda.

Michael and Donna Douglas Appeal

Wendland stated that the judge decided that the decision of the Commission to deny the Certificate of Appropriateness was acceptable, but did not act appropriately due to the fact that the Douglas' were not allowed the opportunity to make their argument of economic return. Wendland also stated that the Douglas' will have a chance to come before the Commission again to make their case on that basis, but he is not sure when such a hearing would take place. Wendland noted that the Commission and the Douglas' would have to agree on the criteria to evaluate the decision, if the revised ordinance is not yet adopted at the time of review.

Ordinance Revision

McGrath submitted an alternative ordinance for the Commission to review. McGrath stated the sections that were added to the ordinance that are required due to the CLG agreement with the state. McGrath stated that she utilized more preservation language in her version of the ordinance. Kerry stated that she used wording from the Waterloo Code of Ordinance and Zoning Ordinance for the Historic Preservation Ordinance revision. McGrath noted that Commission is required to submit an annual report to the state, and suggested submitting an annual report to the City Council. McGrath also noted that the Commission should be coordinating with several other related City boards and commissions such as the accessibility commission, Main Street board, Arts & Culture commission, Leisure Services commission, and Planning & Zoning commission, and the Historic Preservation Commission should have an active education component. In regards to local designation of historic properties, McGrath stated that state code only applies to district designation, and the Commission has more control over the criteria for local landmark designation. (*Malecek arrives*) McGrath suggested that the Commission examine regulations for city-owned or county-owned National Register eligible or listed properties. Malecek questioned some of the requirements for the Commission in regards to public meetings, which Wendland responded that if the majority of the Commission meets and discusses Commission business, it applies to the regulations under state code for open meetings. Malecek questioned the different processes for local designation and National Register nomination. McGrath responded that the Commission only has authority over locally designated properties, but not National Register listed properties. In regards to Certificates of Appropriateness, McGrath noted possible requirements for applicants, and suggested a subcommittee to review applications and be submitted on a consent agenda to the full Commission. McGrath noted that other communities have recently adopted regulations for maintenance of properties, which Malecek questioned if Waterloo had yet adopted a minimum maintenance ordinance. Hoosman stated that staff would look into it. McGrath noted some concerns with Main Street Board having design review capabilities over downtown properties that have not been locally designated.

It was decided by Commissioners that Wendland would use the alternative draft submitted by McGrath to re-draft the revised ordinance and submit the next draft to the Commission by next month's regular meeting.

Hearing no further discussion the meeting was adjourned. Chairperson Malecek adjourned the meeting at 7:00 P.M.

Respectfully submitted,

Morgan Hoosman
Associate Planner
Staff to the Commission