MINUTES
ST. JOSEPH LANDMARK COMMISSION
MEETING
Tuesday August 6, 2019, 7:00 PM
1100 Frederick Ave., Third Floor Council Chambers, City Hall
St. Joseph, Missouri

<table>
<thead>
<tr>
<th>Name</th>
<th>Attendance</th>
<th>Terms of Office</th>
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<tr>
<td>(mtgs attended-mtgs absent)</td>
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<tr>
<td>Ron Auxier</td>
<td>(31-17)</td>
<td>01/25/22</td>
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<tr>
<td>Joe Ann Brott</td>
<td>(12-06)</td>
<td>06/25/21</td>
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<tr>
<td>Greg Hall</td>
<td>(18-00)</td>
<td>06/25/21</td>
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<tr>
<td>Nigh Johnson</td>
<td>(42-13)</td>
<td>08/04/20</td>
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<td>Roger Martin</td>
<td>(30-13)</td>
<td>06/25/21</td>
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<td>Lisa Rock</td>
<td>(48-00)</td>
<td>09/25/20</td>
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<td>Pat Squires</td>
<td>(42-13)</td>
<td>10/27/20</td>
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<tr>
<td>Cole Woodbury</td>
<td>(26-02)</td>
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MEMBERS ABSENT: Ted Hauser (42-12) 02/22/22

Staff Present: Bruce Woody, City Manager
               Nic Hutchison, City Planner
               Scott Des Planques, Historic Preservation Tech
               Bryan Carter, City Attorney
               Ted Elo, City Attorney
               Lauren Manning, Recording Secretary

Call to Order: 7:00 PM

1. ROLL CALL:

2. APPROVAL OF AGENDA
   Martin motioned to approve the agenda, Squires seconded.
   a.  Woodbury corrections to the agenda
       i. New Business item 1: CoA application 201 S. 13th we are missing information on that particular CoA so we are going to strike that from the new business.
   2.  Johnson: Technical question: the FY19/20 Save Our Heritage Grant Program is that old money or new money. It was stated that its new funding.
       VOTE: Auxier- aye, Brott- aye, Hall- aye, Johnson- aye, Martin- aye, Squires- aye, Rock- aye, and Woodbury- aye. MOTION PASSES
3. APPROVAL OF MINUTES
   1. July 2, 2019 L. C. Meeting Minutes
      i. Hall motioned to approve the minutes, Martin seconded.
      ii. Johnson: Needed clarification on page 3 of old business, section (b) 1 regarding the
          old house emporium. The emporium was always digital and in print.
      iii. Johnson: Page 4 staff updates (a) – Save Our Heritage Grant funding Frederick
           Avenue Survey that did not come before the commission.
      iv. Johnson: Save Our Heritage Grant program changes for FY19/20 changing from
           200% match to 50/50 match to improve utilization and streamline the process.
      v. Johnson: Questioning the previous month’s meeting and the debate that occurred.
         Johnson requested to hear a recording of the previous month’s meeting.

      VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- Abstain, Martin-aye, Squires-aye, Rock-
      aye, and Woodbury-aye. Seven (7) ayes, One (1) abstain MOTION PASSES

4. NEW BUSINESS
   1. The CoA application for 201 S. 13th Street to install solar panels was removed from the
      agenda.
   2. Certificate of Appropriateness for 305 North 13th Street to construct a new porch.
      i. Hutchison presented staff report.
      ii. Assistant Attorney Ted Elo introduced into evidence Chapter 31 Zoning Code
          for this hearing and all subsequent hearings tonight. And requested that someone
          make a motion that it be introduced into evidence for this hearing and all
          subsequent hearings.
          Squires motioned to introduce Chapter 31 into evidence and Martin Seconded
      iii. Amy Vochatzer (applicant) answered questions about the proposed project. The
           applicant is working on getting estimates to repair them.

      Hall made a motion to find the application for the CoA congruous with the Design
      Guidelines, Auxier seconded.
      VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye,
      and Woodbury-aye. Seven (7) ayes, One (1) abstain MOTION PASSES

      Squires made a motion to approve the CoA, Auxier seconded.
      VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye,
      and Woodbury-aye. Seven (7) ayes, One (1) abstain MOTION PASSES

   3. Certificate of Appropriateness for 501 S. 15th Street to replace existing roof with a metal
      roof as well as new gutters and downspouts.
      i. Hutchison presented staff report.
      ii. Hall questioned what the original roof was composed of, and City Staff could not
          find any original photos in archives.
iii. Applicant provided the commission with a sample of proposed roof material and answered questions of the commission.

Hall made a motion to find the application for a CoA congruous with the Design Guidelines, No second.

Squires made a motion to find the application for the CoA incongruous with the Design Guidelines, Johnson seconded.

VOTE: Auxier- aye, Brott- aye, Hall-nay, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Seven (7) ayes, One (1) nay MOTION PASSES

Auxier made a motion to deny the CoA, Rock seconded.

VOTE: Auxier- aye, Brott- aye, Hall-nay, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Seven (7) ayes, One (1) nay MOTION PASSES

4. Application for a Local Landmark status for 809 Hall Street, Shakespeare Chateau.
   Hall made a motion to approve, Johnson seconded .
   Discussion: Johnson asked if it was already a landmark, and the commission had a conversation on the plaques and what landmarks have been codified.

VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- nay, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Seven (7) ayes, One (1) nay MOTION PASSES

Public Comment: Isobel McGowan applicant stated that it is not redundant because there have been de-designations of local districts in the country due to the loss of historic resources.

5. Application for a Local Landmark status for 701 S. 11th Street, McNeely House.
   Auxier made a motion to approve, Hall seconded .

VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- nay, Martin-aye, Squires-aye, Rock-abstain, and Woodbury-aye. Six (6) ayes, One (1) nay, One (1) abstain MOTION PASSES

6. FY 19/20 Save Our Heritage Grant Applications – Appropriations
   i. Royal Packaging: 302 S. 3rd Street – Turner Fazier Mercantile Building ($28,000)
      1. Woodbury questioned the total project cost indicated on the application, the applicant clarified that it was a typo. The total project cost is estimated at $56,000 and is requesting $28,000 SOHG.

   ii. Frederick Corners LLC: 1201-1207 Frederick Ave ($24,500)
      1. Brian Calloway applicant presented the project.
      2. Rock questioned the use of materials on the windows, and the applicant stated that bronze would be used on the windows. Total project value is $67,318, matching more than 100%.

   iii. Kelly & Kathy Crawford: 305 S. 8th Street ($78,048)
      1. Kelly Crawford presented the project.
      2. Woodbury asked what the proposed use of the building is. Crawford said that its undetermined at this point, but possibly putting the property up for lease or using it as a private residence.
3. Rock asked if the windows would be opened back up, and the applicant provided details on the current conditions of the windows.

4. Woodbury stated the total investment of $156,096; applicant stated correct.

iv. Mary & Leonard Kottenstette: 208 N. 19th Street ($31,706)
   1. Mary Kottenstette presented the application and appreciated the opportunity to apply for the funds.

v. Woodbury: we have $150,000 available, and have a request for $162,254.

vi. Elo: the unspent funds he is fairly certain they can be brought forward should the commission decide to fund these four projects in their totality. Based upon the information that was provided to him he did not have the opportunity to get the figured today as the people that are in control of them were not in their office.

vii. The commission had conversation on the remaining save our heritage funding from FY18/19. If numbers are changing without the commission being notified then the commission needs to be made aware.

viii. Johnson: Conversation about emergency fund money in the amount of $25,000.

ix. Bruce Woody – City Manager provided a point of clarification that funds are available for the fiscal year in which they were appropriated by council. The FY18/19 funds that are being discussed ended June 30th, 2019. So any unspent funds go back to their appropriate fund balance from which they came. He stated that the council won’t consider the request, but for clarification the money that was unspent did go back to fund balance. So that should be kept in mind when you are making your recommendation that is subject to appropriation.

x. Elo: Mr. Woody said it more articulately and had no further comment.

Auxier made a motion to get 100% funding for all four projects, the difference of $12,254 should come from unspent FY18/19 funds; Squires seconded.

VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Eight (8) ayes MOTION PASSES

7. Discuss the Landmark Commission Logo and its use
   i. Rock would like to see the commission going back to using it because it is recognizable.
   ii. Conversation about plaques and National Register of Historic Places properties.
   Rock made a motion that the commission goes back to using it as its primary logo, Hall seconded.
   iii. Hutchison discussed future use of plaques and their material.
   iv. Isobel McGowan made the recommendation that the existing plaque design be continued as it was designed after a property on Hall Street.

VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Eight (8) ayes MOTION PASSES

5. OLD BUSINESS
   1. Application for a CoA, the City of St. Joseph is seeking commission approval to install landscaping to shield the City’s electrical panel from view in the rear yard at Wyeth-Tootle Museum.
i. Woodbury: “This is the million dollar question. Umm before us tonight is that issue. Its on the agenda to decide this particular CoA, that’s what’s in front of us. So we are either deciding that the CoA is approved and they need to shield it in some manner, or the CoA is unapproved and they don’t shield it in any manner. And we are left with what we have still standing. I would like to put forth my opinion if this be the opportunity or the appropriate time. And I said two months ago when we put this motion forward to this month’s meeting is that in general the precedents been set, that if work is being done in any of our historic districts without a CoA, retroactively they should have to go back and apply for a CoA. We’ve already made property owners do that. So I think in my opinion that we make them follow the guidelines for what we are in the position to do. We are here to follow city statues, the rules, regulations. And it states if any of this work is being done in our districts that a CoA has to be applied for. We have made people who have already done the work go back and apply again so it had to be voted on by this commission. It states in the guidelines that any work by a utility company has to go through a CoA. The city has made the argument that since it’s a utility company they didn’t have to go through the CoA process. To me it does not negate the fact that it should have. And I think it should retroactively have to go back and have to put forth the application for CoA to bring back to this commission. Otherwise I think if will allow it to go forth as is, we are (inaudible) within our duties responsible of what we are supposed to do for our districts and for our local landmarks. Um there is plenty of precedent that I could sit here and argue, um our statues that state that uh, I’ve got it all here but anyway its in that book right there. That uh… ok states in our bylaws that the changes not visible from any public street, park or public places determined by the historic preservation planner. And the city is saying that this is a minor works project because it’s a been placed in the back yard or side yard of the property. But our guidelines state that if its visible from any public street, right of way, or then it needs to be voted on by the landmark commission. Well they’ve never given us the opportunity to do so. Um that if those changes are detrimental to the architectural cultural contextual character of the real property designated as a local historic landmark or local historic district, the landmark commission shall forth issue a certificate of appropriateness in writing, findings of fact, conclusion of law on utility work approved, we’ve never had that opportunity. So, there plenty of laws within the statutes that says utility companies have to apply for a CoA. You know you’ve got a project of almost $400,000 that was run through engineering, was run through the city, was run through the utility company, was run through the electric company, it was run through a public museum. And nobody ever saw it fit to think its in a national local historic district and it needs to have a CoA. So its my opinion that we should just shelve this entire item. And we should request that the city come back for a CoA for the entire project as it should have been original.

ii. Rock: I make the motion

iii. Johnson: Isn’t that what it says on top

iv. Woodbury: No, this application is only for the approval or disapproval of shielding the boxes that are there at the moment.

v. Johnson: Understand
vi. Rock: I make a motion that we shall just until we get an appropriate CoA and handle it in the correct legal manor in which it should be.

vii. Woodbury: Is there a second?

viii. Unidentifiable: Second

ix. Woodbury: Further discussion

x. Squires: I don’t if shall not is appropriate, I think instead of saying shall not just deny

xi. Woodbury: Well here’s the thing. If we deny it as it is applied for currently were just saying they don’t have to shield it. They can leave it and their option is we try or leave it the way it is. The only thing that’s before us right now is the CoA for either leaving it exactly the way it is, or shielding with landscaping, plants or fence or something else.

xii. Johnson: if we bring it back and we do the CoA and we find it incongruous because it is. Sorry in my opinion. Umm what’s our recourse other than $100 fine.

xiii. Woodbury: I don’t know what the recourse is but to me its we’re setting a poor precedent by saying you know we’ve just had a discussion about the house on 14th Street that’s got inappropriate windows that were added, and that was done without a CoA. Why should that person fell obligated to do it, when the city doesn’t have to do it. So to me, it just sets the wrong precedent, and we are here to enforce those rules, we need to make this right as far as the process because that’s what we have before us, what the penalties are, where the funds come from to make changes, that’s not up to us at this point. So that’s not before us. Before us is whether its appropriate for this body to approve something that was not brought before us properly.

xiv. Squires: so we have a motion

xv. Hutchison: So restate the motion and we will call the vote

xvi. Auxier: Before you end the discussion, in our minutes from the last meeting on page 3 there are 3 options with values assigned of such and such. Which came at 3:00 via of handed to us by staff but this memo as I understand it from Clint Thompson that afternoon before, there was no further information given regarding that that was the 3 options now that this comes back to the idea of planting trees. What I am not clear about is, I’ve never seen an installation that has that many large boxes as what their doing for this major outdoor switchgear or the transformer is in there right next to the building. The other two huge boxes that are sitting there, I would really like to know what they are performing to be done there whether they are switch gears; I mean the service going to the building must be mammoth.

xvii. Woodbury: Let me see if I can address something here, with that question in mind

xviii. Auxier: there’s a gray box and green boxes, and then you have the transformer boxes by the building.

xix. Woodbury: My understanding from this note I received is that the bid was put out for... lets see here... both the heat pump and the boiler need to be replaced, the older HVAC system operated on 440 electrical current the new ones operate under a three phase electrical current which necessitated the installation of those electrical boxes. What that means I don’t really know. But that’s what the information I was given.

xx. Auxier: Who’s that from?
xxi. Woodbury: This is through; this is from Ted Hauser in talking to the city. This is going through when um when the contract was approved, and bids were put out, this is all done in October of last year November of last year, and nobody knew anything about it, I mean yeah the uh two months ago after this meeting we had you know to classify this as minor works has to mean that our preservation planner had to sign off on it and say its minor works. That never happened. See its on the record that Scott knew nothing about this until what appeared on our agenda. So the process has not been followed in any way shape or form. And that’s my issue, the city’s not above following or following the rules just as much as anyone else. Where that goes from here after this is, who knows, but for us as an entity and for me as the chair of this Landmark Commission I cannot let my legacy be that I allowed this to go on, and that its ok for one person to do something and not somebody else. It’s a level playing field for all of our town. Lisa.

xxii. Rock: It’s my understanding uh I talked to pinnacle electric about this situation and the ones who installed it and there could have been other options and they went above and beyond as far as the electrical panels the three phase or whatever they went to the extreme because they figures well heck some day we may want something else and we won’t have to worry about it for a long time. It was my understanding that they didn’t have to go that extreme and chose to. It would’ve it would’ve been just as good without.

xxiii. Auxier: I’ve never put a service that big in. Mr Crawford back there I have a question of him as well if out in Mitchell woods the industrial park if he has boxes that large sitting out. I have no clarity as to what those two devices would be doing, with the third device being the transformer, that’s where the change from a single phase to a three phase and whatever the power is you want to bring in. That is not a big big building. I would consider it a small structure, so I’m baffled by what this is power they got coming through these mammoth big boxes they got sitting there.

xxiv. Hall: Call the question

xxv. Woodbury: We do have the question being called, so we do have a motion we have a second

xxvi. Conversation of determining the motion

xxvii. Johnson made a motion that the application as applied for is incongruous with our design guidelines, Martin seconded

VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Eight (8) ayes  MOTION PASSES

xxviii. Squires motioned that we deny this because it is not minor work. Auxier seconded

xxix. Hall: Call the question

xxx. Elo: It needs to be defined so the motion has clarity

xxi. Squires: I move that we deny this application because it does not meet the requirements of being minor work, so therefor, a CoA was required at the beginning. Because that’s the point, its not minor work therefor there should’ve been a CoA. Right?

xxxii. Woodbury: That is true, does that seem to fit ted?

xxxiii. Elo: That would be correct, yes
VOTE: Auxier- aye, Brott- aye, Hall-aye, Johnson- aye, Martin-aye, Squires-aye, Rock-aye, and Woodbury-aye. Eight (8) ayes  MOTION PASSES

   i. Commissioners were provided with the current draft of the Design Guidelines and
      asked to review and provide City Staff with comment.

3. Commissioner recommendations for next month's work session agenda items.
   i. Rock wanted to know what fines are applicable for work being done without CoA.
   ii. Rock requested to have Historic Districts on the GIS.
   iii. Rental Signage on properties within the local historic districts.
   iv. Update the appeals committee on the city's website.

Hall: Removed himself from the meeting at 8:39 due to another appointment, and stated that the meeting is dragging on way too long.

6. STAFF UPDATE ON PRESERVATION ACTIVITIES
   1. Des Planques reported on Brenda Riley's CoA for minor works. The CoA has been issued
      by City Staff.
   2. City Staff has received one application for next month.

7. PUBLIC COMMENT
   1. Brenda Riley stated she did apply for a CoA and did not believe it was minor works. She
      stated she has no problem with going through the process because she feels that its
      important.
   2. Isobel McGowan addressed the commission on an article about Denver’s historic
      preservation initiatives and designations.

8. ADJOURNMENT
   1. Hall moved to adjourn at 8:50 pm