

HISTORIC PRESERVATION COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, FEBRUARY 11, 2020; 5:00 PM

CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

I. Call to Order

II. Secretary's Report

III. Communications

IV. Old Business

V. New Business

A. Work Plan Review and Development

VI. Other Business

A. Prospect Park Historic Maintenance

VII. Open Forum for Comment

VIII. Adjourn

IX. Next Commission Meeting:

City of Davenport
Historic Preservation Commission

Department: CPED
Contact Info: Brandon Melton, 563-888-2221,
brandon.melton@davenportiowa.com

Date
2/11/2020

Subject:
Work Plan Review and Development

Recommendation:
Review past work plan, assess progress, and develop new two year work plan.

Background:
SHPO has encouraged local preservation commissions to develop work plans to demonstrate progress on self-imposed goals. The commission will discuss progress on the previous work plan and develop new goals for CY 2020 and 2021.

The following questions are posed on the CLG annual report that will need to be addressed:

Q1: Each commission should develop a work plan for the coming year. This work plan should include the project(s), initiatives and programs you plan to begin or complete. Also discuss your plan for obtaining historic preservation training in 2020. Please attach your work plan to your annual report.

Q2: Each CLG was asked to provide a work plan last year. Please provide a self-assessment of your progress on the initiatives and programs you identified last year. Were you able to accomplish much of what you set out to do? If not, what would help you fulfill this next year's work plan?

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Melton, Brandon	Approved	2/6/2020 - 10:45 AM

City of Davenport
Historic Preservation Commission

Department: CPED
Contact Info: Brandon Melton, 563-888-2221,
brandon.melton@davenportiowa.com

Date
2/11/2020

Subject:
Prospect Park Historic Maintenance

Recommendation:
Consider maintenance of Prospect Park with respect to historic use.

Background:
Commissioner Franken to provide more information.

ATTACHMENTS:

Type	Description
▢ Backup Material	Capter 2.65 HPC Ordenance
▢ Backup Material	HPC Agreement with Parks

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Melton, Brandon	Approved	2/6/2020 - 10:57 AM

Chapter 2.65 - HISTORIC PRESERVATION COMMISSION

Sections:

- 2.65.010 Creation.**
- 2.65.020 Eligibility.**
- 2.65.030 Composition.**
- 2.65.040 Compensation.**
- 2.65.050 Method of Appointment.**
- 2.65.060 Terms.**
- 2.65.070 Forfeiture of Appointment.**
- 2.65.080 Meetings.**
- 2.65.090 Quorum.**
- 2.65.100 Powers and duties.**
- 2.65.110 City officers and employees to assist.**

2.65.010 Creation.

The historic preservation commission of the city of Davenport is hereby established. The word "commission", when used in this chapter, means the historic preservation commission. (Ord. No. 2019-02 § 3)

2.65.020 Eligibility.

All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places. (Ord. No. 2019-02 § 3)

2.65.030 Composition.

The commission shall consist of seven members. Members shall demonstrate positive experience or interest in historic preservation and/or cultural resource management. Members shall include, but are not limited to, architects, urban designers, urban planners, architectural historians, landscape architects, civil or structural engineers, real estate development professionals and contractors. (Ord. No. 2019-02 § 3)

2.65.040 Compensation.

Members shall serve without compensation. (Ord. No. 2019-02 § 3)

2.65.050 Method of Appointment.

Members shall be appointed by the mayor, with the approval of the city council. (Ord. No. 2019-02 § 3)

2.65.060 Terms.

Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term. (Ord. No. 2019-02 § 3)

2.65.070 Forfeiture of Appointment.

A member shall forfeit his or her appointment to the commission if he or she changes their legal residence to outside the city's corporate limits, no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places or fails to attend in person at least two-thirds of all regularly scheduled meetings during the calendar year. (Ord. No. 2019-02 § 3)

2.65.080 Meetings.

Meetings shall be held at regularly scheduled times and location as determined by the commission. All meetings shall be open to the public. Special meetings may be called by the chairperson or upon written request by three members of the commission. Special meetings shall be held at the time and location as determined by the chairperson or three requesting members of the commission. All meetings shall be in accordance with Iowa Open Meetings Law, Iowa Code, Chapter 21.

A public record of meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed with the city of Davenport community planning and economic development department for public review.

(Ord. No. 2019-02 § 3)

2.65.090 Quorum.

The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business. (Ord. No. 2019-02 § 3)

2.65.100 Powers and duties.

The commission shall have and exercise all the powers and privileges and shall perform the duties and conduct as established by state law, or as same may be from time to time amended and the provisions thereof being incorporated herein by reference, and such other powers and duties as may from time to time be conferred by or imposed upon it by law.

The historic preservation commission shall have the following powers and duties:

- A. To adopt its own administrative and procedural guidelines; and
- B. To maintain an ongoing survey designed to identify structures and districts potentially qualifying for local designation. The commission may initiate the nomination process and shall respond to a petition by the owner(s) of record for local landmark or historic district designation and placement onto the local register; and
- C. To maintain an ongoing survey designed to identify structures and districts potentially qualifying for the National Register of Historic Places. The commission may initiate the nomination process, and review and comment on a petition for nomination from any person, group or association for the National Register of Historic Places. This subsection is not to be interpreted as meaning that all structures, sites, objects and districts identified as eligible for the National Register of Historic Places shall be automatically approved by the city council and accepted onto the local register; and
- D. To recommend to the city council for consideration and adoption, ordinances designating architecturally and historically significant structures and areas as local landmarks and historic districts; and
- E. To maintain records of all studies and inventories for public use. This will include listings of all structures and districts that have been listed on the National Register of Historic Places and all structures and districts that have been designated as local landmarks and historic districts by the city council. This latter list will be known as the Davenport Register of Historic Properties; and
- F. To hold public meetings to consider any action officially before the commission; and
- G. To review and take action on applications for a certificate of appropriateness, a certificate of economic hardship and a certificate of public hazard; and
- H. To call upon city staff and/or outside experts for technical advice; and
- I. To promote and conduct public education and interpretive programs on local history, including the city's inventory of architecturally and historically significant structures and districts; and
- J. To periodically review and make recommendations to the city council proposed revisions to the Historic Preservation chapter of the city's comprehensive plan and to assist in the development of policies and procedures under the ordinance for Securing of Abandoned Buildings; and
- K. To testify before all boards and commissions on any matter involving a local landmark or designated historic district, such as but not limited to proposed zoning amendments, applications for special use or applications for zoning variances; and
- L. To develop and recommend to the city council for adoption, individual design guidelines for designated landmarks and historic districts in addition to the guidelines contained in the historic preservation ordinance. This includes design guidelines appropriate for rehabilitation, reconstruction and infill development specific to each individual designated historic district; and

- M. To provide information upon request to the owners of local landmarks or to residents in designated historic districts pertaining to the appropriate preservation, rehabilitation and reuse options and the available financial assistance programs for the rehabilitation of designated property; and
- N. To make recommendations to the city council regarding the appropriate streetscape improvements, with adequate technical and public input, for designated historic districts. This also includes the system of signs used to announce the designated historic district and the plaques used to identify individual structures.

The commission shall adopt its own rules of procedure not in conflict with this Chapter or with the Iowa Code.

(Ord. No. 2019-02 § 3)

2.65.110 City officers and employees to assist.

It shall be the duty of all City officers and employees of the City to provide assistance to the commission and its members as this will enable the board to most effectively perform its duties. City officers and employees of the City are authorized and directed to furnish to the commission, upon its request, records, documents, other information which the commission may need for its consideration in connection with its duties. (Ord. No. 2019-02 § 3)

HISTORIC PRESERVATION REVIEW AGREEMENT

This Agreement is entered into between the Historic Preservation Commission ("HPC") and the Parks & Recreation Department ("Parks") as of this 13th day of September, 2005.

WHEREAS, HPC has been tasked with assisting in the preservation of Davenport's historic treasures;

WHEREAS, Parks maintains and cares for many parks, buildings, and structures of historic significance to Davenport; and

WHEREAS, HPC and Parks each recognize that an agreement setting out the parameters of their relationship would assist them in fulfilling their assigned duties and mutual goal to enhance the historic assets of the City of Davenport;

NOW, THEREFORE, in consideration of the mutual obligations expressed herein, the parties agree as follows:

1. DEFINITIONS.

"Historic Architectural feature" means the exterior elements – historic in nature - of a structure or fixture or site and their composition, design, color, texture, or other visual qualities. These "elements" include, but are not limited to, façade materials, windows, doors, millwork, roofs, and ornamentation.

"Materially altering or repairing" means a change or repair which removes, replaces, or destroys a historic architectural feature of a structure or fixture.

"Structure or fixture" includes, but is not limited to: buildings, pavilions, fountains, statues, light fixtures, signs, gates, fences, planters, drinking fountains, waste receptacles, tree grates, tree protectors, and benches. These terms do not refer to roadways, sidewalks along a public right-of-way, pathways, parking areas, play structures and fitness trails.

2. SCOPE. Parks agrees that HPC has limited jurisdiction of the following assets:

- a. Vander Veer Park
- b. Riverview Terrace Park
- c. Prospect Park
- d. Lindsay Park
- e. Credit Island

- f. Annie Wittenmeyer Complex and grounds¹
- g. W.D. Petersen Memorial Music Pavilion
- h. Dillon Memorial
- i. Hose Station #4
- j. Miles Collins House
- k. Indian Springs

Should Parks become the custodian of additional historic properties after the date of this Agreement said properties shall be incorporated into the above list. The additions shall be documented by an updated list initialed by the Parks director and the HPC chairman.

3. REVIEW.

a. Structure or fixture. Prior to constructing, materially altering or repairing, erecting, emplacing, removing or demolishing any structure or fixture, of a permanent nature, Parks must obtain - pursuant to Chapter 17.23 of the Davenport Municipal Code - the proper certificate approving the action from HPC, or in the case of an appeal, the City Council. However, when an imminent risk to health and safety exists, Parks may act without prior approval.

b. Parking areas, pathways, play structures and fitness trails. Prior to engaging in a project involving the construction or replacement of a parking area, pathway, play structure, or fitness trail, Parks shall submit a plan to HPC for approval. Elements of the project that are not subject to review under paragraph 3(a) shall be approved by HPC if the elements are sympathetic to and do not detract in an appreciable way from the historic or architectural character of the asset concerned.

c. Overall Plan. Parks may accomplish the review required under this Agreement by submitting an overall plan as opposed to proceeding on an item by item basis. If the overall plan is approved, any future project in compliance with the plan may proceed without further review of HPC. However, staff working with HPC must be consulted prior to a project beginning to determine if it is in compliance with the overall plan.

4. ORDINARY MAINTENANCE AND REPAIR. Ordinary or routine maintenance or repair of Parks assets is not subject to HPC review.

5. DISPUTES AS TO TERMS. Any dispute as to the application or interpretation of this Agreement will be resolved by submitting the question to a panel of three of the City's attorneys designated by the Corporation Counsel. The judgment of this panel will be final and binding between the parties.

¹ This area is described as follows: Beginning at the intersection of the South R.O.W. line of East 29th Street and the West R.O.W. line of Eastern Avenue thence south along Eastern Avenue's west R.O.W. line to the intersection of this R.O.W. line and the railroad R.O.W.; thence northwesterly along the railroad R.O.W. to the intersection of the railroad R.O.W. and the South R.O.W. line of East 29th Street; thence east along said R.O.W. to the place of beginning.

6. TERMINATION. This Agreement may be terminated by written mutual agreement of the parties or by resolution of the City Council.

7. MODIFICATION. This Agreement may be modified or supplemented by the parties. Any such amendment shall be in writing and signed by a duly authorized representative of the parties.

8. ENHANCEMENT OF HISTORIC ASSETS. Parks acknowledges that it serves an important caretaking function and pledges that it will make diligent efforts to not only avoid taking actions which detract appreciably for the historic or architectural character of Parks assets, but to actually seek the enhancement of the historic or architectural character of these assets.

9. REVOCATION OF LETTERS OF AGREEMENT. The prior Letters of Agreement between HPC and Parks are hereby revoked.

HPC and Parks have caused this Agreement to be signed by their authorized representatives as of the date set forth above.

HPC

By John L. Fruch
John Fruch, Chairman
Historic Preservation Commission

Parks

By Dan Sherman
Dan Sherman, Director
Parks & Recreation Department