

Exhibit B

Heritage Preservation Commission
May 26, 2020 Special Meeting Minutes
City Hall – Council Chambers

Due to the COVID-19 emergency, the HPC members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency.

Call to Order and Roll Call

President Jessica Fortney called to order the meeting of the Heritage Preservation Commission (HPC) at 12:03 p.m. on Tuesday, May 26, 2020.

Attendance: (Via WebEx video conferencing – all votes conducted via roll call)

Attending: Ken Buehler, Stacey DeRoche, Jessica Fortney, Brandon Hartung, Mike Poupore (joined during the 1st presentation), and Sarah Wisdorf

Absent: Meredith Anderson

Staff Present: Adam Fulton, Steven Robertson, Kyle Deming and Chris Lee

1. Recognition of two new commission members: Meredith Anderson and Brandon Hartung. Steven Robertson welcomes Brandon Hartung and invited him to introduce himself at the end of the meeting.

New Business

Due to audio issues, Item 2 (PL 20-054) is moved later in the agenda

3. PL 20-057 Historic Construction Permit (Impacts of 335 Feet/Temporary and 185 Feet/Permanent), Lake Superior and Mississippi Rail Road, Related to the Spirit Lake Sediment Remediation Project. Kyle Deming gives an overview. The LSMRR from Spring Street to Boy Scout Landing The U.S. Environment Protection Agency (EPA), Great Lakes National Program Office, is proposing temporary impacts to 355 feet and permanent impacts to 185 feet of the Lake Superior and Mississippi Railroad (LSMRR) as part of the Spirit Lake Sediment Remediation Project. It was designated a Duluth Landmark July 15, 2019, by the City Council via Ordinance 10634 (Planning file number PL 18-007). Therefore, according to Sec. 50-37.14.B of the Duluth Legislative Code, before demolition or construction may occur the Heritage Preservation Commission (HPC) must review the application and approve a Historic Construction/Demolition Permit. Ken Buehler asked when the project will start. Deming stated this construction season. Chair Fortney asked if there was a return letter from SPHO. Deming affirmed. Chair Fortney noted the permanent changes include picking up bridges and setting them back down. They were wooden and will be changed to pre-fab concrete. She has more questions for the applicant about the bridges including color, and width.
Applicant: Courtney Pacelli the projects EPA consultant addressed the commission. The pre-fab concrete will be colorized to match the timber aesthetic. The bridges will consist of new materials and will be a little wider, but the grade will remain the same. LSMRR will be re-using materials from their yard when possible. (Mike Poupore enters meeting.) Pacelli gave an overview of the bridge work. Poupore asked about Mud Lake. Pacelli stated it is a different project. Ken Buehler referred to figure 6 and asked about the crossing of the railroad track to spit of land point. Pacelli noted this allows access for

maintenance purposes for utility trucks. Buehler noted it is also a trail for pedestrians, so it will be multi-purpose. Pacelli affirms. Chair Fortney asked about the view shed. Will you see the holding tanks permanently? Pacelli noted there are three confined disposal facilities. The features will look as natural as possible. The areas will be capped in accordance with MPCA standards. The top will be seeded with natural grasses, and the habitat will be restored to these features. Buehler noted the train along the edge of the river will now be going through thicket wetland. Poupore asked if there was feedback from the Indigenous Commission or the railroad. Pacelli stated Fond Du Lac and SPHO have completed reports which are included as part of the 106 consultation process. Tweaks in their design were made to address concerns of the native tribes. The MOA discussed in the next agenda item will address the concerns of all involved parties.

Public Comment: No speakers.

Commissioners: Ken Buehler recused himself from voting, but urged the HPC to approve

MOTION/Second: Poupore/Wisdorf support the historic construction permit for the Lake Superior and Mississippi Rail Road related to the Spirit Lake Sediment Remediation Project

VOTE: (5-0, Buehler Abstained)

4. Memorandum of Agreement Between US EPA, MN SHPO, Fond Du Lac Band of the Lake Superior Chippewa, City of Duluth, and the United States Steel Corporation Regarding the Spirit Lake Sediment Remediation Project . Kyle Deming gave an overview. The Memorandum of Agreement (MOA) memorializes the actions and responsibilities of the parties relative resolving the adverse effects to historic resources expected to occur as part of the Spirit Lake Sediment Remediation Project. The agreement commits the U.S. EPA to archival documentation of the Lake Superior and Mississippi Railroad (LSMRR) prior to construction work and restoration of the railroad to an operational condition at the end of the three-year long project. It also commits the U.S. EPA and U.S. Steel to prepare an interpretation program at points along the proposed pedestrian walkway which is to be installed along a portion of the LSMRR. Lastly, the agreement commits the U.S. EPA to prepare a draft National Register of Historic Places Registration form for the LSMRR Historic District: West Duluth Segment. Chair Fortney noted she is pleased with archival documentation and feels interpretation is important. Stacey DeRoche asked what the interpretation will look like, and what will it encompass. Deming deferred to the applicant.

Applicant: Courtney Pacelli the projects EPA consultant addressed the commission. Interpretive planning will begin after executing the MOA. The EPA and US Steel will create a draft which will include interpretive signage along the railroad and pedestrian trails, and could include walking tours. The plan will developed by parties involved in the MOA.

Commissioners: Poupore asked if the pedestrian pathway will effect the train. Pacelli stated the pedestrian trail has a 15' setback from the railroad. No adverse effects were determined. Brandon Hartung noted interpretation is important. He noted the document in which xxxx amount of dollars will be provided by U.S. Steel. How is this amount determined? Pacelli stated the amount is being negotiated between the parties. This is a 3-year construction project. The specific amount will be determined by 5/29/2020. Hartung asked when the public will be able to provide feedback regarding the interpretive signage. Pacelli the draft will need to be completed. She is unsure exactly when the public will be invited to comment. She will follow-up.

MOTION/Second: Buhler/DeRoche support the MOA regarding the Spirit Lake Sediment Remediation Project

VOTE: (6-0)

2. PL 20-054 Historic Construction Permit (Façade/Windows/Doors), Temple Opera Building at 201 East Superior Street, Related to Rehabilitation of the Structure for New Occupancy. Chris Lee gave an overview. 201E, LLC is proposing to impact the south and west façades of the Temple Opera Building. The proposal is to update exterior elements and compromised parts of the structure. The elements being replaced are not original to the building and have deteriorated beyond usable life. By updating these parts, the building will have better weather proofing and energy efficiency. The Temple Opera Building was designated a Duluth Landmark July 9, 1991, by the City Council. Therefore, according to Sec. 50-37.14.B of the Duluth Legislative Code, before demolition and construction may occur the Heritage Preservation Commission (HPC) must review the application for the proposed work and approve a Historic Construction/Demolition Permit. Criteria to be considered as part of the HPC's permit review are found in Sec. 50-37.14.C: The commission shall approve the application, or approve it with modifications, if the commission determines that the application complies with all applicable provisions of this Chapter and state law and that the work to be performed shall not adversely affect the historic preservation landmark or district based on adopted historic preservation guidelines. Chair Fortney asked if all windows will be replaced in the front and side facades. Lee affirms. Chair Fortney asked why was aluminum was chosen over wooden windows. Lee deferred to the applicant.

Applicant: John Gerzina, project architect, addressed the commission. Aluminum was chosen due to energy code compliance and durability. It won't have a shiny finish, but will be painted in a muted color. The ornate trim will be kept.

Commissioners: Poupore feels it is a poor choice to use aluminum. DeRoche noted the front door area looks like it has been changed quite a bit. Gerzina noted changes were added through the years and they are meeting the spirit of the preservation plan. The display cases are not needed anymore. DeRoche agrees with Poupore about the windows. Chair Fortney noted the window material and they should also be concerned with the interior. Gerzina noted the preservation plan includes the exterior. DeRoche noted the preservation plan states to replace windows as close as possible to the original. Gerzina stated the original windows are long gone, and what exists now were replacement windows from the 1970's. DeRoche feels the interior appearance is important too and feels wood would be appropriate. Gerzina asked respectfully if there was a question, and feels he has met the preservation plan. The windows will have a dark gray paint finish. Poupore noted replacing the store front windows. He will not be able to support. It changes the whole building as presented now. Buehler asked the applicant if the ornate wood inside will be kept. Will the interior ornate wood hide the aluminum window? Gerzina stated you will see very little of the window due to the ornate wood trim. They also need to consider the energy code and long-term viability. They are trying to find a good balance. Chair Fortney asked what brand of window has been proposed. Gerzina stated it is not determined yet, but it will be a highly effective commercial brand. Poupore added it will be a commercial brand in a historic building. Hartung asked if the west door and all of the windows will be replaced. How will the arched windows be replaced? Gerzina noted the doorway facing the west will be entirely replaced and the windows will be custom fabricated to fit the openings. Robertson noted staff hopes the HPC will consider this application and approve with conditions if appropriate; he noted the community in general has a challenge with maintaining

occupancy and use of historic structures. He concluded by stating that the staff recommended approval as they seem to be substantially complying with the preservation plan, and they see it as a positive project for downtown. Wisdorf is in support. She noted aluminum will add longevity and there are similar windows across the street. In order to get businesses downtown, compromises need to be made. DeRoche is concerned to have an aluminum door. This is a great project for downtown, but more research on materials is needed. Hartung agrees with DeRoche. He noted the Moorish design pattern in the ground level windows. Poupore encourages the development of the building, but wants it done correctly. He suggests a design alternative be proposed by the applicant. This is a gainful opportunity to preserve the historic downtown district.

Public Comment: No speakers.

MOTION/Second: Wisdorf/Buehler support the historic construction permit for the Temple Opera Building with conditions added of wanting to see the interior of the windows, no metal exterior metal doors and adding Moorish feature overlays to the ground floor windows

VOTE: (3-3, Fortney, Hartung and Poupore Opposed – Motion Failed)

Commissioners: Poupore noted there are aestically pleasing metal doors and he would be okay with removing that condition. Owner, Brian Forcier, addressed the commission. He thanked the commissioners for their service. He noted they restored the Last Place on Earth Building. This building incorporated interior wooden trim. It's important to them, too. The construction permit timing is critical. He will agree to interior wood windows if it moves the project forward. DeRoche noted the owner's willingness and asked for a revote. Buehler asked the owner about agreeing to the Moorish design on the windows and the doors. Forcier stated he is fine with the replication of the Moorish design. He needs to install a handicap accessibility door. They will try to keep the avenue doors, but the front doors need to be handicap accessible. Robertson noted the HPC has a regular meeting scheduled for June 8th. He added that staff supports the HPC carefully weighing the pros and cons of the zoning application, but noted that in the grand scheme of things the city wants to prevent the decline by neglect of historic buildings, and this application proposes to improve the structure. Chair Fortney is willing to move it forward. Buehler suggested rephrasing the motion and showing leniency on the front door for handicap accessibility. Poupore stated asking for an alternative design is appropriate for the June 8th meeting. Square aluminum windows are not acceptable. He wishes to table for design alternatives. Buehler asked the owner if design alternatives can be presented to the HPC. He noted they can have a special meeting before the regular meeting on the 8th. Chair Fortney noted she would feel more comfortable seeing the final components in the applicant's proposal. Forcier noted he has performed other projects in the city successfully, and is a bit taken back. Wisdorf noted she appreciates Chair Fortney's comment to see it in the final design, but due to the applicant's good reputation with other projects, she feels they can move forward today. She is not in support of tabling. Buehler stated they could vote on a motion to table, but ask to call a special meeting for June 1st, 2020.

MOTION/Second: Poupore/Hartung Table for another week for design alternatives

VOTE: (4-2, Buehler and Wisdorf Opposed – Motion Passed)

Communication and Other Business

5. Consideration of Minutes: March 17, 2020
MOTION/Second: Buehler/DeRoche approve the minutes

VOTE: (6-0)

6. Correspondence: Delay in Announcing MN SHPO CLG Grant Awards Until After May 15, 2020 – Robertson gave an overview.
7. Correspondence: MNDOT Section 106/Section 306108 Review of Lakewalk Extension Through Brighton Beach and Congdon Boulevard – Per Robertson included on page 167 of the packet for their consideration.

Buehler welcomes new commissioner Hartung. Hartung introduced himself. He moved to Duluth in 2012. Has a degree in communications and is enrolled in a graduate program at UMD. He works at Glensheen and likes history and preservation. He thinks the HPC will be a good fit.

Buehler noted this was a spirited meeting, but he feels good to be part of this group and commends Chair Fortney's actions.

Robertson will follow-up with the commissioners about their next meeting.

Adjournment at 2:02 p.m.

Respectfully,


Adam Fulton – Deputy Director
Department of Planning and Economic Development