

CITY OF LEAVENWORTH PRESERVATION COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

Wednesday, June 12, 2019 6:00 PM

The Leavenworth Preservation Commission met Wednesday, June 12, 2019. Chairman Rik Jackson called the meeting to order. Other commissioners present were: Ed Otto, John Karrasch and Debi Denney. Ken Bower and Sherry Hines Whitson were absent. Also present for the meeting were City Planner Julie Hurley and Administrative Assistant Michelle Baragary.

Chairman Jackson noted a quorum was present and called for a motion to accept the minutes from April 3, 2019 as presented. Mr. Otto moved to accept the minutes as presented, seconded by Mr. Karrasch and approved by a vote of 4-0.

OLD BUSINESS

1. 2018-12 LPC – 202 POTTAWATOMIE

A State Law review for the proposed demolition of the property located at 202 Pottawatomie Street, a property listed on the Kansas State Register of Historic Places.

Chairman Jackson called for the staff report.

City Planner Julie Hurley stated this is a State Law review for the proposed demolition of the property located at 202 Pottawatomie Street, a property listed on the Kansas State Register of Historic Places.

Ms. Hurley continued stating structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 22, Article X (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

Staff has compiled a list of dangerous structures, which have been evaluated by staff in accordance with KSA 17-4759, including the house located at 202 Pottawatomie. The property was constructed in 1860 and was listed in the Kansas State Register of Historic Places in February 2017. It is not listed in the National Register of Historic Places.

The City Commission reviewed the structures at their regular meeting on June 26, 2018, and passed a resolution granting the property owner of 202 Pottawatomie an extension until October 9, 2018 to commence repair of the structure. The Leavenworth Preservation Commission reviewed the property at their July 11, 2018 meeting and instructed the applicant to commence repairs prior to their October 3, 2018 meeting.

The Leavenworth Preservation Commission again reviewed the property at their October 3, 2018 meeting. The owner was not present at that meeting and necessary repairs were not complete, so the Commission members requested that staff send a letter to the owner requesting a written plan for completing the repairs. A copy of that letter is included in this packet. The owner provided staff with an email outlining his repair plans on October 22, 2018, a copy of which has been included. The City Commission reviewed the property on October 9, 2018 and granted a 90 day extension for the completion of repairs.

The Leavenworth Preservation Commission again reviewed the property at their January 2, 2019 meeting. At that time, the property owner stated that he had made application to the State of Kansas for grant funds to be used in restoration efforts. The Commission voted to grant an extension until after such time as the owner has been notified of his status as

a grant fund recipient. The State Historic Preservation Office indicated to city staff that grants should be awarded in May 2019.

REQUIRED REVIEWS:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The structure was constructed as a residential building, it is currently vacant.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The entire structure is proposed to be demolished. It has previously been damaged by fire, and has not been fully restored. The historic clapboard siding present when the house was constructed was previously covered with asbestos siding in the mid-20th Century and has not been exposed by the removal of the asbestos siding.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The building is proposed to be demolished, no changes or additions are proposed.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The building is proposed to be demolished, however, there are no known changes to the original structure with historic significance.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

The building is proposed to be demolished, no portions of it are proposed to be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

There are a number of deteriorated or missing historic features, including the original clapboard siding, which have not been repaired or restored.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The building is proposed to be demolished.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

No known significant archeological resources exist for preservation.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The building is proposed to be demolished, no new construction is proposed at this time.

10. New additions and adjacent or related new construction shall 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.

The building is proposed to be demolished, no new construction is proposed at this time.

ACTION/OPTIONS:

- Motion, to approve the property located at 202 Pottawatomie as being eligible for potential demolition.
- Motion, to deny the property located at 202 Pottawatomie as being eligible for demolition.
- Motion, to Table item until the next meeting for the purpose of further study.
- Motion, to forward to the SHPO for review.

Ms. Hurley stated the only significant change since the last meeting was the removal of the majority of tarpaper from the siding. The clapboard siding has not been repaired or painted and the windows have not been replaced.

Ms. Hurley further pointed out that although not a condition for demolition, there are a number of other property maintenance violations on this property, including a brush pile and an inoperable vehicle parked in the yard.

Mr. Otto asked if the City Commission gave the property owner until October 2019 to fix the property.

Ms. Hurley stated the City Commission voted on June 26, 2018 to give the property owner until October 2018 to make repairs. Those repairs have not been undertaken.

Mr. Karrasch stated he believes the Preservation Commission gave the property owner an extension in January as well.

Ms. Hurley stated this board gave an extension October 3, 2018. The Preservation Commission reviewed it again January 2, 2019, at which time the property owner informed the board he had applied for the grant fund. At that time, the board voted to give an extension until after the grant funds had been awarded so the property owner would have a better picture of his financial resources for improving the property.

Mr. Karrasch asked if the board had requested some type of progress schedule from the property owner.

Ms. Hurley responded that the property owner had emailed City staff on October 22, 2018. The email stated in October 2018, his plans for the home were to repair/replace the gutters, soffits, eaves, and complete the roofing. In November, he planned to replace doors. Siding work would begin after that.

Mr. Jackson asked Rickey Giles, property owner of 202 Pottawatomie, if he heard back from the State Historic Preservation Office about the grant.

Mr. Giles stated this was his second time applying for the grant and he was denied again. Mr. Giles further stated he contacted the SHPO for the reason for the denial. He stated the State wants a clearer scope of work. Mr. Giles intends to apply for the grant a third time.

Mr. Giles continued stating since the last meeting, gutters have been installed and progress has been made. Furthermore, a neighbor's tree fell onto Mr. Giles property so they have been cutting the tree up for the past couple weeks.

Mr. Giles stated the City of Leavenworth has never welcomed his home. His home has good bones. The only issue with the home is cosmetics. Only about 10-15 of the clapboard siding boards need to be replaced. Mr. Giles stated he has a bid. All the contractors he has spoke with said the siding needs to be done before the doors and windows.

Mr. Giles stated he emailed the Mayor and the Mayor stated the City would have volunteers come help but Mr. Giles has not seen anyone come out to help. Mr. Giles sees Leavenworth as the “good old boys” and he is not part of the “good old boys” system. Because of this, Mr. Giles had to get a contractor in Tonganoxie, who will not be available until August. Mr. Giles stated he could have everything complete by August 15th.

Mr. Giles stated he put in for a \$60k or \$70k grant, of which you must have 15% of that. Mr. Giles continued stating he has two bids coming up. He further asked if the board members knows of anyone who can repair/replace the siding.

Mr. Giles stated he is not sure what windows the City wants repaired/replaced. To him the only thing that needs to be done to the house is pressure washed, painted and doors. He stated every contractor that has been inside of the house said the house is beautiful.

Mr. Jackson stated the board’s perspective is not so much what is inside of the house but the exterior of the house. He further continued stating the Preservation Commission provided an extension to allow Mr. Giles to hear back from the SHPO about the grant and to allow him more time to repair the house. Now that the grant determination has been made and they have denied grant funds, Mr. Jackson feels like plenty of extensions have been granted to Mr. Giles and it is time to make a recommendation to the City Commission.

Mr. Giles stated that is irrelevant because even though he was denied the grant money, he still has the financial resources to fix up the house.

Mr. Otto asked what bids Mr. Giles has that can be completed in a short amount of time.

Mr. Giles responded the contractor in Tonganoxie is backed-up until August. The other contractor in Leavenworth gave him a quote but he is also behind due to the rain. He further stated people from the City’s neighborhood has an issue with his home but nobody in his neighborhood is complaining. This is an African American home that is historic. If the home is painted it would look like a million dollars. Mr. Giles wants the board to recommend a contractor because the contractors that he has spoken to want to know how much money he has. When Mr. Giles does not show proof of funds, the contractors do not call him back. Again, Mr. Giles wants the commissioners to recommend someone.

Mr. Jackson stated the Preservation Commission is not here to provide name of contractors that could possibly repair the house. Mr. Jackson further stated this commission has been extremely flexible with the property owner and provided an exuberant amount of time for repairs to be undertaken. The Preservation Commission is to review the case and provide the City Commission their opinion on whether they believe the property is eligible or not eligible for demolition. At that point, the property owner may plea his case to the City Commissioners. Mr. Jackson feels the Preservation Commission has done everything they can to assist the property owner.

Mr. Giles stated he is the only person working on the house and cutting the grass. He has a contractor who can repair/replace the siding. He is disturbed the property is even on the demolition list. He stated there are no rats or roaches. The house has good bones and only needs cosmetic work. He just needs to find a contractor to do the work. Mr. Giles further stated the city told him to do several different repairs but never told him to cut the tree limbs over the house; he did this without the city telling him to. He also took the asbestos siding off because he wants the house registered on the National level not just with the State of Kansas. Mr. Giles continued by stating he has two different individuals who could do the work. He stated the work will be simple because it is only doors, siding and some windows.

Mr. Giles asked what windows need to be replaced/repared.

Ms. Hurley responded the windows need to be repaired or scrapped and painted in a way so they look maintained. The City provided Mr. Giles with a list of repairs in May of last year, of which nothing has been completed.

Mr. Giles stated the house has had electricity and water for at least the past year and a half. The house has a bathroom. The master bedroom and living room are complete. The only room that needs to be addressed is the dining room.

Ms. Hurley stated per state law the city can only look at the outside of the house. The City's concern are these structures being a blighting influence on the neighborhood. The blighting influence does not come from what is on the inside of the property; it is what is on the outside that the neighborhood has to experience.

Mr. Giles stated that the city must want a petition because no one in his neighborhood has complained about his property.

Mr. Jackson stated if that is the course of action Mr. Giles chooses to take, then it still needs to go to the City Commissioners.

Chairman Jackson asked for a motion for the property being eligible for demolition or not eligible for demolition.

Mr. Jackson started speaking but moved away from the podium so the beginning of his statement is inaudible. He further stated at the last meeting he asked why the property was on the demolition list.

Ms. Hurley stated the property is still a blighting influence on the neighborhood and this has been explained to Mr. Giles multiple times.

Mr. Giles stated the only reason it was on the demolition list was because the structure was a dangerous structure. Now that Mr. Giles believes he has fixed everything, he stated at the last commission meeting the city said the property is now on the demolition list to prevent him from going to court and being fined.

Mr. Jackson replied that the Preservation Commissions were not at the City Commission meeting and therefore are unable to address Mr. Giles statement. Mr. Jackson further stated that regardless of the Preservation Commission's determination, Mr. Giles still has the opportunity to present evidence to the City Commission to support his position.

Mr. Giles responded he is not worried that his house will be demolished because it does not meet the criteria.

Mr. Jackson stated in order to make progress the Preservation Commission needs to give a recommendation to the City Commission.

Mr. Giles asked if the repairs are to be reported.

Mr. Jackson responded in the affirmative.

Mr. Giles stated he tells the Mayor and everyone in the city what he does to the property on a monthly basis. He further stated the only thing left to repair on the house is the siding, windows and doors. He has the money for the windows and doors and just needs a contractor for the siding.

Mr. Karrasch asked if there is siding under the black paper on the rear of the house.

Mr. Giles responded there is siding on the second floor of the rear part of the house and there is also plywood where the fire occurred.

Ms. Denney asked if Mr. Giles owned the property when it caught fire.

Mr. Giles responded he took possession of the property after it caught fire. His father gave him the property.

Ms. Denney asked if Mr. Giles considered the money that would need to go into the property to fix it.

Mr. Giles responded he did consider the cost and that he has the money to fix the property. He further stated the first contractor he contacted stated he needed \$20,000 upfront.

Mr. Karrasch stated his initial opinion is to provide Mr. Giles with another extension. The extension could be to October, which is the end of the painting season. By this time, everything required on the exterior of the house must be completely finished.

Mr. Otto stated he recently had his house painted and a new roof installed and not one contractor asked for the money upfront.

Ms. Denney stated she would be hesitant to give yet another extension. She further stated she recently had her kitchen remodeled and a sunroom replaced and she was also not asked to put any money upfront.

Chairman Jackson asked Ms. Hurley if the commission is allowed to grant an extension.

Ms. Hurley responded they can grant an extension for it to come back to the Preservation Commission to review again or you can make a motion tonight as the property being eligible or ineligible for demolition, which would then forward it to the City Commission, who also has the power to give an extension if deemed appropriate.

Mr. Otto directly asked Mr. Giles if he can guarantee that the entire exterior of the property will be completed by the October 2, 2019 Preservation Commission meeting.

Mr. Giles said he can guarantee it will be complete.

With no further questions for comments, Chairman Jackson closed the public hearing and called for a motion to either grant an extension to October 2, 2019, recommend that the property is eligible for demolition or recommend that the property is ineligible for demolition. Mr. Karrasch moved to grant an extension to the October 2, 2019 Preservation Commission meeting with the caveat that all repairs/replacements listed by the City shall be completed by this date. The repairs/replacements include roof repairs, siding, soffits and eaves, guttering, windows, doors (to include the framing of all windows and doors), remove all peeling paint and repaint the entire structure. The motion was seconded by Mr. Otto and approved by a vote of 4-0.

Chairman Jackson stated to Mr. Giles that he needs to apply for the proper permits before working on the house.

NEW BUSINESS

1. Preservation of Downtown Historic District

Wendy Scheidt, Leavenworth Main Street Director, suggested a new survey of the Downtown Historic District. Ms. Scheidt further stated that Katrina Ringler, Grants Manager / CLG Coordinator for the Kansas Historical Society, said that since it has been so long since a survey was done, folks may have to fill out Part 1 of the Tax Credit Application. The other reason for the survey is that there may be properties that should be included in the Downtown Historic District. Tax credits are important. They make up the difference from new construction, to demolition, to what people can do to save a historic structure. As the first city of Kansas, this is extremely important. The surveys are eligible for Heritage Preservation Fund Grant.

Ms. Scheidt further stated a benefit of having a Historic District is that Part 1 of the Tax Credit Application is already completed so long as your building is part of the Historic District.

Ms. Hurley stated she is not sure who initiated the original Downtown Historic District application. Ms. Hurley further stated she is aware that the survey is eligible for funding from the state. A survey of a historic district requires a preservation architect or specialist perform the survey. This expense is eligible for state funding. Ms. Hurley stated the city can look into this for 2020. A new City Planner will be starting next week so the city will have more resources to devote to projects like this.

Ms. Scheidt stated four large buildings have been sold this year and are currently in the process of renovation. The property owners are looking at upper story development. They are working toward mixed use development with apartments on the upper story. The codes do not always work well with this type of use. Ms. Scheidt would like to have some sort of meeting with the appropriate city staff and/or the Preservation Commissioners to discuss issues they are running into. For example, a building in the historic district was only used as office space. If they renovate it as mixed-use with residential in the upper story, they are being told they need to rip-up the wood floors and ornate ceilings in the storefront and install fire rated material. You lose the beautiful historic properties of the building. Ms. Scheidt stated the question is how do we not only retain our built structure and our history on the outside but we also make it somewhat equal to be able to retain and utilize the upper story. Ms. Scheidt provided the Commission an informational handout (Attachment A) and a letter she received sometime in 2018 from Hal Burdette, Chief Building Inspector (Attachment B).

Ms. Hurley stated the primary purpose for building codes are life-safety issues. She does not know what type of accommodations can be made for historic structures. Ms. Hurley stated she will do some research and will contact the State for some resources on what can be done with building codes when working with historic properties.

Ms. Scheidt stated she has been visiting with Ray Stockman, state historical architect. She will reach out to KU and K-State about getting some of their architecture engineer students to help out.

Mr. Jackson stated he appreciates the information and research will need to be done. It will probably come down to what the building codes determine.

Ms. Scheidt asked if the building codes are currently the 2006 codes.

Ms. Hurley responded they are. Furthermore, Building Inspections will soon be adopting a newer code (possibly the 2016 building codes). Hal Burdette, Chief Building Inspector, is the point of contact for building codes. Ms. Hurley is not familiar with what provisions can be made for historic structures, fire suppression systems, etc. Therefore, research will need to be done to see how the city can work with property owners of historic properties.

Mr. Karrasch asked if it would be possible to schedule a workshop where the Preservation Commission, Planning Commission, Leavenworth Main Street and city staff can discuss these issues and get everyone on the same page.

Ms. Hurley stated there are funding opportunities from the State that we could apply to use for a training workshop to discuss expanding historic districts, tax credits, rehabilitation, or whatever topic needs to be discussed.

Chairman Jackson called for the next item on the agenda, Minor Certificates of Appropriateness.

Ms. Hurley did remind the Commissioners that the July meeting will be Wednesday, July 10, 2019.

With no questions or comments, Chairman Jackson called for a motion to adjourn. Mr. Otto moved to adjourn, seconded by Ms. Denney and approved by a vote of 4-0.

Meeting was adjourned at 7:06 p.m.

JH:mb