

BEMIDJI HERITAGE PRESERVATION COMMISSION REGULAR MEETING AGENDA

Tuesday, April 14, 2026

City Hall Conference Room
317 4th Street NW



4:30 PM

- 1. Call to Order**
- 2. Welcome Guests**
- 3. Approve Agenda**
- 4. Approve Minutes**
 - a. March 17, 2026 Meeting
- 5. Business**
 - a. Certified Local Government Ordinance
- 6. Next Meeting**
- 7. Adjourn**

**Bemidji Heritage Preservation Commission
Minutes, Tuesday, March 17, 2026**

**City Hall Conference Room
317 4th St NW, Bemidji, MN**

Linda Lemmer, Chair, called the commission to meet at 4:30 pm.

No Guests present:

Members present and signed in: Linda Lemmer, Chris Belle, Lois J. Jenkins, Joan Dreyer, Andy Mack, Jay Tody stopped in on his route.

Ashton Loeb, excused for work.

City Reps: Josh Peterson and Michelle Miller.

Agenda:

Joan Dreyer moved to approve agenda as written and sent. Chris Belle second. Carried.

Minutes: February 17, 2026

Correction: Murals: Line 4: Change "someone" to 'Mr. Moles Painting has stencils'.
Chris Belle moved to accept this correction, Joan Dreyer second. Carried. Change will be made to official minutes.

Old Business:

100 year old buildings: No Applications. Table Cecelia McKeig another month due to family medical emergency

New Bemidji Hotel Mural:

Mr. Bush would like a hard copy design of proposed refinishing of mural on south side of building. Ashton and Josh will ask AI to generate a new rendering from the photo on hand at History Center. Dreyer will send them the picture.

Ibertson building:

No mural now, maybe once. No photo found, yet.

Annual City Council Report:

Linda Lemmer thanked Joan for assisting in the presentation March 9. Mayor Prince asked about the previous survey of cities concerning changing membership ordinance. See notes on survey results. Legislators have changed and with recommended SHPO membership, it maybe moot to change BHPC member residence.

Membership:

City Clerk Miller included in our March packet, the terms for members. As of now members may serve three, three year terms. They may step back a year and may be re-appointed by City Council.

SHPO:

City Clerk Miller attached to our March packet, SHPO and Mr. Koop's suggestions for BHPC changes to City of Bemidji Ordinances to qualify for membership in SHPO. The path to follow is:

BHPC study, present of City Manager and City Attorney, then it will go to City Council, hopefully by June, 2026.

New Business:

Bemidji Historic Register on May agenda.

Andy Mack moved and Joan Dreyer second to send Thank you to City Parks and Rec for re-pairing the WPA bridge in Diamond Point Park. Also ask Jay Tody to put on Facebook this thank you. Carried.

Next Meeting: CHANGE

Tuesday, April 14, 4:30 pm City Hall, with single item agenda: Review, discuss, and make changes to City of Bemidji ordinances to meet SHPO requirements for membership.

Adjourn:

Andy Mack moved to adjourn. Chris Belle second. Carried at 5:28 pm, March 17, 2026

Recorded

Lois J Jenkins

Secretary

HERITAGE PRESERVATION COMMISSION AGENDA ITEM



Meeting Date: April 14, 2026
Action Requested: Certified Local Government Ordinance
Prepared By: Michelle Miller, City Clerk

Background:

Attached are the following:

- Email Correspondence from Michael Koop
- MSHPO CLG Information
- City of Bemidji HPC Current Ordinance
- City of Bemidji Ordinance Draft - with the suggested changes by Koop
- City of Albert Lea HPC CLG Ordinance

Recommendation:

Review the information from Koop and the Albert Lea HPC CLG Ordinance and incorporate any changes to the City of Bemidji Draft Ordinance.

From: [Richard Spiczka](#)
To: [Michelle Miller](#)
Subject: Information from SHPO rep
Date: Tuesday, March 3, 2026 11:13:25 AM
Attachments: [NPS CLG booklet.pdf](#)
[HPC handout.doc](#)

Here is the email text. I have also attached two things he sent.

Thank you for your request for information regarding local preservation. I was pleased to learn that Bemidji is interested in enhancing its existing preservation program. One of the best opportunities to advance overall preservation goals is, in my opinion, better treatment of cultural resources in local planning efforts. For best results, there needs to be coordination between state and federal programs and local efforts.

One way to encourage this coordination is through participation in the Certified Local Government (CLG) program. This nationwide program helps local preservation groups transform themselves from grass-roots advocates to policymakers. A city with a qualifying ordinance and heritage preservation commission (HPC) may become a Certified Local Government by applying to the State Historic Preservation Office (SHPO).

This local-state-federal partnership encourages the integration of historic preservation into local government policy. The attached "HPC handout" has basic information about HPCs and the CLG program. The "[Procedures for Applying for and Maintaining Certified Local Government Status](#)" has more details about applying for and joining the CLG program. In order to become a CLG a city must meet certain basic responsibilities, including the following:

- Establish and maintain a qualified HPC
- Maintain a system for identifying historic properties
- Enforce appropriate legislation for the designation and protection of historic properties
- Provide for public participation in the local preservation program
- Play an expanded role in nominating properties to the National Register
- Perform other agreed-upon functions delegated by the SHPO

CLG status enables the local government to apply for specially earmarked matching grants from the SHPO that can be used for survey, planning, nomination, or educational activities. In recent years, these funds have enabled many of the state's local preservation programs to advance their efforts significantly.

Attached is a booklet produced by the National Park Service about the CLG program; although

somewhat dated, it provides a comprehensive overview of the breadth of the work of CLGs nationwide.

Also available on our website is a [sample preservation ordinance](#) that may be helpful to review and compare with Bemidji's ordinance. After examining the city's current online preservation ordinance it appears that several components will require modification before the ordinance can be accepted for the purpose of applying to become a CLG. Our comments are summarized below.

Sec. 2-247. Organization; composition

Under paragraph (a) it would be helpful to add that at least one member of the HPC shall be a member of the Beltrami County Historical Society. This is consistent with Minnesota Statutes 471.193 Municipal Heritage Preservation Subd. 5.

Sec. 2-253. Definitions

c. Change "District or Area: A geographically definable area, urban or rural..." to "District: A geographically definable area possessing a significant concentration..."

Sec. 2-254. Powers and duties

(2) Delete the following paragraph: "The commission shall recommend no district, area, building or site for historic preservation to the city council, unless and until the property owner is first notified and consent for designation obtained."

(3) Delete the following paragraph: "At the time of notification, a property owner shall be advised of the ordinance requirements and of the impact and significance of historic designation of the property. Prior to official designation, a copy of the ordinance shall be provided to the property owner who shall sign a statement evidencing his understanding of preservation designation, as well as acknowledgement of receipt of notice of the proposed designation and a copy of the city's preservation ordinance. The property owner's signed statement shall be kept on file in the office of the city clerk."

The owner consent stipulation referenced in the above two paragraphs for local designation is a major weak point in the ordinance. The designation of local properties should be based on the historic and/or architectural significance of the property. While it is desirable to win an owner's cooperation, his or her consent is not a valid criteria for designation. This stipulation could prevent local designation of some of the city's most significant resources; these may be the resources most in need of protection under the ordinance. Mandating owner consent for local designation would prevent the city's ordinance from being approved for CLG status. Further, the ordinance does not address the question of removal of properties from designated status. The owner consent provision might suggest that owner objection could be grounds for removal. For a local ordinance to meet CLG requirements, properties may be

removed from designated status only in cases where there has been a procedural or professional error in the designation process or where the property has been destroyed or radically altered. The regulations are very specific on this last point (see section I.A.2. of the CLG Procedures Manual).

Sec. 2-254. Powers and duties

(5) Permit review process.

The CLG manual specifies that the ordinance (or other procedures adopted by the local government) must contain a clearly defined process for the review of proposed alterations to locally designated properties. The Bemidji ordinance lists permit review as a duty of the commission and identifies the types of permits to be reviewed (excavation or demolition; remodeling; moving of a building, etc.), but a process for the review is not described. CLG regulations further specify that the Secretary of the Interior's Standards for the Treatment of Historic Properties be utilized in developing review criteria and that the process provide for public comment (see Section I.A.3. of the Procedures manual).

There may be other components of the current ordinance that will need to be revised, but the points raised above are important ones to consider for discussion.

Heritage Preservation Commissions and Certified Local Governments

Heritage Preservation Commissions (HPCs) are established by local ordinances enacted under state enabling legislation (Minnesota Statutes 471.193). Such an ordinance creates a commission of local residents who recommend local designation of historic properties to the city council and review proposed changes to the exterior only of designated properties.

HPCs may apply to the State Historic Preservation Office (SHPO) to become a Certified Local Government (CLG). In order to become certified, a local government must have enacted a preservation ordinance and appointed a qualified HPC. The ordinance must contain a clearly defined process for 1) the survey and local designation of significant historic properties and/or historic districts; and 2) the review of all proposed alterations, relocations, demolition, or new construction within the boundaries of locally designated properties and/or districts. Both the designation process and the permit review process must have clearly defined procedures and criteria, and these processes must provide for public comment.

There are other standards which must be met by a local government (through an ordinance) before it may be a CLG, but these are the basic elements. Ordinances from cities already participating in the CLG program such as Stillwater or Excelsior should be consulted for comparison. More information about the CLG program is available on the [National Park Service](#) website.

Why participate in the CLG program?

CLG designation qualifies the city to apply to the State Historic Preservation Office (SHPO) for federal matching grants for one of six program areas: 1) comprehensive planning; 2) survey; 3) evaluation; 4) Local Designation forms; 5) National Register Nomination forms; and 6) public education.

Note that CLG grants may not be used for "bricks and mortar" work such as rehabilitating a commercial storefront or restoring a public building.

Other benefits: technical assistance and training from the SHPO; participation in nominations to the National Register of Historic Places; national historic preservation assistance network such as publications and professional assistance; and participation in statewide preservation programs and planning.

Designating Properties

Properties can be designated individually, or as part of a larger historic district, at the national or local level.

At the national level, having a property listed in the National Register of Historic Places in no way limits the owner's use of the property unless public funding is used. If your property is listed in the National Register you may do with it anything you wish.

Properties designated under the local ordinance are subject to a local review process (the HPC reviews only proposed exterior changes) and are therefore afforded the greatest degree of protection.

Preservation Tax Incentives

The Tax Reform Act of 1986 establishes a 20% income tax credit for the substantial rehabilitation of income-producing historic buildings for commercial, industrial, and rental residential purposes.

The Minnesota Historic Structure Rehabilitation Tax Credit was signed into law in April 2010. It mirrors the 20% federal historic preservation tax credit and is used in conjunction with the federal credit. Property owners are eligible to receive a state income tax credit of up to 20% of qualifying rehabilitation expenses.

The building must be a certified historic structure that is subject to depreciation, and the rehabilitation must meet the Secretary of the Interior's Standards.

Michael Koop
Certified Local Government Coordinator
State Historic Preservation Office
651.201.3291
michael.koop@state.mn.us

DIVISION 2. - HERITAGE PRESERVATION COMMISSION

Sec. 2-246. - Created and purpose.

Pursuant to Minn. Stat. § 471.193, there is hereby created the heritage preservation commission as an advisory body to the council for the purpose of preserving, protecting, and perpetuating, where feasible, within the corporate city limits, buildings, sites, lands, areas or districts which are determined by the commission to possess particular cultural, architectural, archaeological or educational value to the community as a whole.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 1), 11-18-2002)

Sec. 2-247. - Organization; composition.

- (a) The heritage preservation commission shall consist of seven members with demonstrated interest and expertise in historic preservation, each being a resident of the city and holding no official position with the city. It is desirable but not required that a member be Native American.
- (b) Commission members shall be appointed by the city council. The term of office shall be three years with the terms being staggered. A member may serve a maximum of three consecutive terms. The mayor shall be considered an ex officio member of the commission.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 2), 11-18-2002)

Sec. 2-248. - Filling of vacancies.

Any vacancy which may occur in the membership of the heritage preservation commission during a term shall be filled in the same way as an appointment for a full term, except that the appointment shall be for the unexpired term of the member vacating.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 3), 11-18-2002)

Sec. 2-249. - Compensation of members.

No member of the heritage preservation commission shall receive any compensation for services.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 4), 11-18-2002)

Sec. 2-250. - Financial matters.

The heritage preservation commission shall have no authority to incur expenses or obligate the city in any financial matter without specific authorization from the city council.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 5), 11-18-2002)

Sec. 2-251. - Conflict of interest.

No member of the heritage preservation commission shall use his position on the commission for financial gain for himself or for family members or for a business or firm with whom a commission member maybe associated. If such gain could reasonably be expected, the member shall disqualify himself from voting.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 6), 11-18-2002)

Sec. 2-252. - Meetings and bylaws.

- (a) The heritage preservation commission shall meet with such frequency as the commission deems appropriate, but at least annually. Meetings of the commission shall be open to the public.
- (b) The commission shall adopt bylaws to govern all other matters relating to the commission such as officers and duties, dates and conduct of meetings, quorum, and other relevant matters, including but not limited to amendment of the bylaws. The bylaws shall be submitted to the city council for approval, and a copy thereof shall be filed in the office of the city clerk.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 7), 11-18-2002)

Sec. 2-253. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Archaeological site means a geographic location containing the relics, artifacts and other cultural aspects of life associated with ancient peoples.

Building means any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

District and *area* mean a geographically definable area, urban or rural, possessing a significant concentration of linkage of sites, buildings, structures, or objects unified by past events or aesthetically by plan or physical development.

Heritage preservation designation (Bemidji Historic Register) means an official action by the city council which proclaims an archaeological site, a building, a land area, or a district located within the city limits to be worth saving.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 8), 11-18-2002)

Cross reference— Definitions generally, § 1-2.

Sec. 2-254. - Powers and duties.

The heritage preservation commission shall advise the city council on matters relating to historic preservation; shall perform such duties as the city council may direct; and shall recommend to the city council buildings, lands, areas, districts, or archaeological sites worthy of heritage preservation designation in the city as follows:

- (1) The commission shall inventory and prepare a list of buildings, lands, areas, districts, or archaeological sites worthy of historic preservation. The list shall be reviewed by the planning commission and city planner prior to submission to the council. For every building, parcel of land, area, district, or archaeological site listed as worthy of heritage preservation, the commission shall prepare a history of the building, parcel of land, area, district, or archaeological site and a guideline for its utilization.
- (2) The commission shall recommend no district, area, building or site for historic preservation to the city council, unless and until the property owner is first notified and consent for designation obtained.
- (3) At the time of notification, a property owner shall be advised of the ordinance requirements and of the impact and significance of historic designation of the property. Prior to official designation, a copy of the ordinance shall be provided to the property owner who shall sign a statement evidencing his understanding of preservation designation, as well as acknowledgement of receipt of notice of the proposed designation and a copy of the city's preservation ordinance. The property owner's signed statement shall be kept on file in the office of the city clerk.
- (4) The city council may by ordinance designate or describe for historic preservation any building, including interiors where appropriate, land, area, district, or archaeological site recommended by the commission as worthy of preservation. Prior to such consideration, the city council shall hold a public hearing, notice of which shall be published at least ten days prior to the date of hearing, and notice shall be sent to all property owners within the proposed district and/or within 200 feet of the boundary of the district, area, building or site to be considered.
- (5) The commission shall review the issuance of permits to do any of the following in or to a building, an area, a district, or an archaeological site, which has been listed or designated for heritage preservation, and report on such to the council:
 - a. Excavation or demolition.
 - b.

Remodeling or repairs which will change the basic structural, exterior appearance and/or interior appearance where designated.

- c. Moving of a building.
- d. Destruction of a building in whole or part.
- e. Changing the nature or appearance of a preserved site or area.

Commission members shall be knowledgeable of the rules, regulations, laws and codes of the city and state, as well as the permit and variance procedures of the city respecting building and zoning matters.

- (6) The commission shall work for the continuing education of the citizens of the city with respect to the civic, archaeological and architectural heritage of the city. It shall keep current and public the city register of designated and proposed heritage sites and areas along with the plans and programs that pertain to them.
- (7) The commission may recommend to the city the acceptance of contributions and gifts to be made to the city and to assist the city staff in preparation of applications for grant funds which may be made through the city for purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the city.
- (8) If the commission discovers that preservation of a historic building, site, land, area or district is threatened, the commission shall advise the city council of the threat in order that the council may consider reasonable preservation measures, including acquisition.
- (9) The commission shall fulfill all reporting requirements under Minn. Stat. § 471.193.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 9), 11-18-2002)

Sec. 2-255. - Recording of designated areas.

The city clerk shall record with the county recorder's office the legal description of all buildings, lands, or areas designated for historical preservation by the city council.

(Ord. No. 330, 2nd series, § 2(2.75, subd. 10), 11-18-2002)

Secs. 2-256—2-275. - Reserved.

DIVISION 2. HERITAGE PRESERVATION COMMISSION

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- (b) Commission members shall be appointed by the city council. The term of office shall be three years with the terms being staggered. A member may serve a maximum of three consecutive terms. The mayor shall be considered an ex officio member of the commission.

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Sec. 2-252. Meetings and bylaws.

- (a) The heritage preservation commission shall meet with such frequency as the commission deems appropriate, but at least annually. Meetings of the commission shall be open to the public.
- (b) The commission shall adopt bylaws to govern all other matters relating to the commission such as officers and duties, dates and conduct of meetings, quorum, and other relevant matters, including but not limited to amendment of the bylaws. The bylaws shall be submitted to the city council for approval, and a copy thereof shall be filed in the office of the city clerk.

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- (2) ~~The commission shall recommend no district, area, building or site for historic preservation to the city council, unless and until the property owner is first notified and consent for designation obtained.~~
- (3) ~~At the time of notification, a property owner shall be advised of the ordinance requirements and of the impact and significance of historic designation of the property. Prior to official designation, a copy of the ordinance shall be provided to the property owner who shall sign a statement evidencing his understanding of preservation designation, as well as acknowledgement of receipt of notice of the proposed designation and a copy of the city's preservation ordinance. The property owner's signed statement shall be kept on file in the office of the city clerk.~~
- (4) The city council may by ordinance designate or describe for historic preservation any building, including interiors where appropriate, land, area, district, or archaeological site recommended by the commission as worthy of preservation. Prior to such consideration, the city council shall hold a public hearing, notice of which shall be published at least ten days prior to the date of hearing, and notice shall be sent to all property owners within the proposed district and/or within 200 feet of the boundary of the district, area, building or site to be considered.
- (5) The commission shall review the issuance of permits to do any of the following in or to a building, an area, a district, or an archaeological site, which has been listed or designated for heritage preservation, and report on such to the council:
 - a. Excavation or demolition.
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- c. Moving of a building.
 - d. Destruction of a building in whole or part.
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Commission members shall be knowledgeable of the rules, regulations, laws and codes of the city and state, as well as the permit and variance procedures of the city respecting building and zoning matters.

- (6) The commission shall work for the continuing education of the citizens of the city with respect to the civic, archaeological and architectural heritage of the city. It shall keep current and public the city register of designated and proposed heritage sites and areas along with the plans and programs that pertain to them.
- (7) The commission may recommend to the city the acceptance of contributions and gifts to be made to the city and to assist the city staff in preparation of applications for grant funds which may be made through the city for purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the city.
- (8) If the commission discovers that preservation of a historic building, site, land, area or district is threatened, the commission shall advise the city council of the threat in order that the council may consider reasonable preservation measures, including acquisition.
- (9) The commission shall fulfill all reporting requirements under Minn. Stat. § 471.193.

Sec. 2-255. Recording of designated areas.

The city clerk shall record with the county recorder's office the legal description of all buildings, lands, or areas designated for historical preservation by the city council.

Secs. 2-256—2-275. Reserved.

Chapter 24 HERITAGE PRESERVATION¹

ARTICLE I. GENERAL PROVISIONS

Sec. 24.001. Public policy and purpose.

The city council finds that the archaeological, architectural, engineering, historical, and cultural heritage of the city is among its important assets. Therefore, the purpose of this chapter is to establish a municipal program of heritage preservation, as authorized by Minn. Stats. § 471.193, to promote the conservation and rehabilitation of historic properties for the education, inspiration, pleasure and enrichment of the citizens and visitors of the city.

To this end, there is hereby created within and for the city a heritage preservation commission, which is charged with the stewardship of Albert Lea's heritage. The purposes of this chapter are to:

- (a) Promote and safeguard the heritage of the City of Albert Lea by preserving properties which reflect the city's archaeological, architectural, engineering, historical, and cultural heritage.
- (b) Promote the preservation and continued use of historic properties for the education and general welfare of the people of the City of Albert Lea.
- (c) Protect and enhance the City of Albert Lea's appeal and attraction to residents and visitors, while enhancing its economic viability and vitality through the protection and promotion of its heritage resources.
- (d) Provide education opportunities on heritage preservation and act in an advisory capacity to the citizens of Albert Lea on the identification, preservation, and continued use of historic properties.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.002. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the means ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means an approval issued by the staff of the heritage preservation commission prior to the construction, demolition, alteration, or relocation of any publicly or privately-owned heritage preservation site pursuant to section 24.004.

Commission means the heritage preservation commission established under the provisions of this article.

Contributing resource means a building or structure which has been determined to be historic and significant within a heritage preservation district and which retains historic integrity to the period of significance of the district. A property or structure can be contributing even if it has been altered if it maintains the character defined for the district.

¹Ord. No. 24-112, § 1, adopted April 22, 2024, repealed the former Ch. 24, §§ 24.001—24.004, 24.027—24.033, and enacted a new Ch. 24 as set out herein. The former Ch. 24 pertained to similar subject matter and derived from §§ 2-201—2-211 of the 1997 Code; Ord. No. 112, 3d, § 2, 6-25-2007.

Design guidelines are the established criteria by which any proposed changes to a heritage preservation site shall be evaluated.

Heritage preservation district means a concentration of two (2) or more properties linked by significance and located in a contiguous area and duly designated as a heritage preservation district pursuant to section 24.003. A heritage preservation district shall have the same protection and meaning as a heritage preservation site under this article. Land and structures which do not contribute to the significance of the district may be included within the boundaries of a heritage preservation district when necessary to protect the significance and visual unity of the whole.

Heritage preservation site means a single area, building, structure, or object which has been duly designated as a heritage preservation site pursuant to section 24.003.

Integrity is the ability of a property to convey its historic significance through location, setting, design, materials, workmanship, feeling, and association.

National Register of Historic Places is the nation's official list of properties worth of preservation designated by the National Park Service. Nominations of properties within Minnesota to this list are made through the auspices of the State Historic Preservation Office.

Non-contributing resource means a building or structure which, due to the date of construction, alterations, or other factors, does not support the historic significance or character of a historic district.

Period of significance means the period when the historic events associated with the heritage preservation site occurred.

Staff approval means an approval issued by heritage preservation staff evidencing the review and authorization of plans for minor alterations of any publicly or privately-owned heritage preservation site pursuant to section 24.004.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.003. Designation of heritage preservation sites.

Following careful historic resource surveys, the commission shall undertake to establish and maintain a preservation catalog of structures, sites, and areas having documented archaeological, architectural, engineering, historical, and cultural interest or value. The catalog, which will be limited to exterior elements, may include single structures or sites, heritage preservation districts, manmade or natural elements, works of art, or integrated combinations thereof, and shall serve as the primary source of local heritage designations. In establishing the catalog, the commission shall notify and solicit the views of property owners and residents of resources proposed for heritage designation. All heritage preservation sites previously designated by the City of Albert Lea shall continue their designation under this chapter unless the commission specifically finds that any such sites do not meet the designation criteria provided in this section.

- (a) *Procedure for designation.* Proceedings to establish a new heritage preservation site or to change the boundaries of an existing heritage preservation site may be initiated in one of the following ways:
- (1) By petition of an owner of a residential or commercial property.
 - (2) By petition of sixty (60) percent of the owners of properties within the boundaries of a proposed heritage preservation district.
 - (3) By resolution of the heritage preservation commission. The commission shall hold a public hearing prior to acting.

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- (4) All property owners within the area under consideration shall be given ten (10) days written notice of said hearing. Notice shall be published in the official paper not less than ten (10) days prior to the hearing. Such resolution shall be approved by a majority vote of the commission.
- (b) *Eligibility.* To be eligible for designation, the commission must determine that the property being considered possesses one (1) or more of the following qualities and that the property retains integrity to the proposed period of significance:
- (1) *Archeological significance.* The site has yielded or has the potential to yield information important to history or prehistory.
 - (2) *Architectural significance.* Possessing distinctive characteristics of style, place, period, method or materials of construction, or represents the significant work of a builder or architect.
 - (3) *Engineering significance.* A work demonstrating a significant technology, design, or method of construction.
 - (4) *Historical significance.* Associated with activities, processes, events, trends, or persons of importance to the community, state, or nation.
 - (5) *Cultural significance.* A landmark of manmade or natural features, or a combination thereof.
- (c) *Planning commission review.* The city planning commission shall be advised of the proposed designation of a heritage preservation site. The heritage preservation commission shall advise the site/district, including boundaries, and secure from the city planning commission its recommendation with respect to the relationship of the designation to the comprehensive plan of the city, its opinions as to the effect of the proposed designation upon the surrounding neighborhoods, and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. The heritage preservation commission may make such modification, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation of the city planning commission.
- (d) *State historic preservation office's review.* Prior to making its recommendation to the city council, every proposal of designation by the commission shall be sent to the state historic preservation office for review and comment in writing within sixty (60) days.
- (e) *Findings and recommendations.* The eligibility of a property for designation shall be determined by the commission following a public hearing. Notice of the hearing shall be given to the owner or any person having a legal or equitable interest in the property being proposed for designation, to all property owners of record located within three hundred fifty (350) feet of the proposed designation, and be published once in the official newspaper at least ten (10) days prior to the hearing. Following the consideration of all oral and written comments, including comments from the planning commission and State Historic Preservation Office, the commission shall make a determination with respect to the proposed designation by resolution within fourteen (14) days of the hearing.
- (f) *Council designation.* The commission shall forward its recommendations, findings, and support data, together with the comments of the planning commission and of the state historic preservation office, to the city council. The city council shall hold a public hearing prior to making its determination of a proposed designation. The procedure for the hearing shall be the same as required by the commission. Following consideration of all oral and written comments, the city council may, by affirmative vote of five (5) members, approve a resolution designating a heritage preservation site or heritage preservation district.
- (g) *Notification of property owner and other agencies of designation.*

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- (1) Within ten (10) days of city council approval, the office of the city clerk shall record with the county recorder the legal description of the heritage preservation site designated by the city council and shall submit a copy of the city council's resolution to the city building official, city zoning official and city planner.
 - (2) Within five (5) working days of city council approval, the secretary shall send a copy of the city council resolution and a letter outlining the obligations resulting from such designation to the owner of record of each designated property.
 - (h) *Affirmation of existing zoning.* The designation of a heritage preservation site or district shall not change or affect the uses allowed or restrictions applicable under any other zoning classification. However, once designated, the additional guidelines of the site or district shall also apply.
 - (i) *Amendment and rescission of designation.* A petition to amend the boundaries of or rescind any designation may be initiated through one (1) of the following methods:
 - (1) By petition of any owner of residential or commercial property within an existing heritage preservation site.
 - (2) By petition of sixty (60) percent of the property owners located within an existing residential or commercial heritage preservation district.
 - (3) By resolution of the heritage preservation commission.

The procedure for an amendment or rescission shall comply with the same procedure set forth herein for designation. In the case of the designation rescission, the petition shall set forth reasons as to why findings made for designation rescission may be made if one (1) or more of the following findings are made:

- (1) Procedural or professional errors were made in the designation process.
- (2) The designated property has been destroyed or radically altered to the point where the majority of its original historic qualities have been lost or removed and cannot economically be replaced.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.004. Heritage preservation application procedures.

- (a) *In general.* All applications shall be processed by the city planner or building official. Heritage preservation applications shall not be required for the following activities:
 - (1) Painting.
 - (2) Interior remodeling when such work does not, in any way, alter the exterior character of a structure.
 - (3) Use or change in use of a structure.
 - (4) Emergency repairs of a temporary nature to structures affected by fire, vehicle damage, vandalism, windstorm, or the like. Such approval shall be limited to repairs necessary to make the structure wind tight, waterproof, and free from unauthorized entry. Unless approved by the commission, temporary repairs shall extend for a period not to exceed one hundred twenty (120) days. If required, all final repairs shall be reviewed pursuant to subsection (b) or (c) of this section. In emergency situations where, immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve temporary or limited repair without prior heritage preservation commission action. In the case of a permit issued pursuant to this section, the building official shall immediately notify the heritage preservation commission of this action and specify the facts or conditions constituting the emergency situation.

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- (b) *Staff approval.* An application for staff approval shall be made to heritage preservation staff before any of the following work is begun on a heritage preservation site:
- (1) Maintenance or reconstruction where any exterior surface materials or features are to be replaced with identical materials, such as where in-kind replacement materials will be installed to the original configuration, and where such activity will affect no more than forty (40) percent of the structure.
 - (2) Roof replacement or repairs that are not visible from the public right-of-way.
 - (3) Installation of security and safety equipment.
 - (4) Installation of signage, awnings, and lighting that comply with zoning regulations and design guidelines.
- (c) *Certificate of appropriateness.* An application for a certificate of appropriateness shall be made to the commission before any of the following work is begun on a heritage preservation site:
- (1) Any exterior repair, alteration, or modification, including site work, unless excepted in subsection (a) or identified in subsection (b).
 - (2) Destroying a building in whole or in part.
 - (3) Construction of new buildings or additions to existing structures.
- (d) *Permit application and plans.* The building official, through the commission secretary, shall refer applications for building permits for any action defined in subsection (c) of this section to the heritage preservation commission for review and written approval, approval with conditions, or denial. Every application for a building permit in relation to property designated as a heritage preservation site shall be accompanied by plans and elevations, photographs, specifications, material selections, and/or a written description fully describing the proposed work.
- (e) *Commission review.* Following staff review, the commission shall review applications and approve certificates or appropriateness authorizing the building official to issue permits. The process for commission review is as follows:
- (1) A public hearing for the purpose of receiving the recommendations from concerned citizens and the applicant shall be conducted. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper and sent to the permit applicant at least ten (10) days prior to the date of the hearing. Notice shall also be sent to all property owners within a designated district or within three hundred fifty (350) feet of the applicant's property, whichever is greater.
 - (2) If, pursuant to subsection (g) of this section, the commission determines that the work to be performed meets the relevant design guidelines and does not adversely affect the site, the application shall be approved by resolution. A copy of the resolution, along with applicable conditions, shall be given to the applicant and building official.
 - (3) If determined that the work to be performed does not meet the relevant design guidelines, the application shall be denied and the building official immediately informed in writing. The commission shall furnish the permit applicant with a copy of the decision together with recommendations for changes necessary before the commission will reconsider the permit application. In any written order denying a permit application, the heritage preservation commission shall advise the applicant of their right to appeal to the city council and include this subsection in such orders.
 - (4) Limitations. The commission shall make its findings and recommendations within sixty (60) days of the application, unless additional time is extended by the applicant. Failure to act within sixty (60) days shall constitute an approval and the building official shall authorize a permit for the proposed work.
- (f) *Appeal to city council.* The permit applicant may appeal the commission's order and decision to the city council. Such an appeal shall be made within fifteen (15) working days of the commission's order. In

considering the appeal, the council shall follow the appeal procedures outlined in subsection (e)(1) of this section. Notice of the council's hearing date shall be given to the commission. Following the consideration of all oral and written comments, the council may, by a majority vote, adopt a resolution approving the permit. A copy of the council's order shall be given to the applicant and building official.

- (g) *Permit issuance.* The building official shall not issue permits for these applications until receiving written approval from the heritage preservation commission or city council.
- (h) *Criteria.* When reviewing an application as described under this section, the commissioner shall consider whether the work affects the heritage preservation site as follows:
 - (1) *Proposed alteration or addition to an existing property.* The commission's written findings shall refer to the following criteria:
 - a. The commission shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties as well as by local standards or design guidelines adopted by the commission.
 - b. Consideration shall be given to clear cases of economic hardship or to deprivation of reasonable use of the owner's property.
 - (2) *Proposed demolition or removal of a building or structure.* The commission shall consider whether or not the request for demolition or removal is valid or necessary. The commission's written findings shall refer to the following criteria:
 - a. Consideration shall be given to the significance or architectural merit of the building itself, in terms of unusual or uncommon design, texture or materials that could not be reproduced or reproduced only with great difficulty or expense and, if applicable, the contribution the building makes to the historic or architectural character of the heritage preservation district.
 - b. Consideration shall be given to the economic value, usefulness, and replacement cost of the building as it now stands and as remodeled or rehabilitated in comparison to the value or usefulness of any structures proposed to replace the present buildings, and to what viable alternatives may exist.
 - c. Consideration shall be given to the present structural integrity of the building to determine whether or not it constitutes a clear and present danger to the life safety of the public. The commission may contract for a professional estimate of the structural integrity and an estimate of the cost of correcting dangerous deficiencies with council approval.
 - d. Consideration shall be given as to whether or not the demolition is necessary to facilitate a defined public purpose.
 - (3) *Proposed new construction or relocation.* The commission shall consider the effect of the work on the historic and architectural character of adjacent heritage preservation sites. The commission's findings shall refer to the following criteria:
 - a. The design for new construction should meet the design guidelines for new construction, where such guidelines exist.
 - b. The new building should be compatible with the height, width, depth, massing, and setback of surrounding buildings.
 - c. The amount of solid wall to window and door openings should be proportional to that of the surrounding buildings.
 - d. The shape and pitch of the roof or cornice should be compatible with that of the surrounding buildings.

(Ord. No. 24-112, § 1, 4-22-2024)

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(Supp. No. 15)

Sec. 24.005. Public hearings.

All applications requiring a public hearing as set forth in this chapter, except appeals of decisions of the heritage preservation commission, shall be processed in the following manner:

- (a) Applicant and heritage preservation commission staff engage in a project introduction meeting.
- (b) Certificate of appropriateness application is submitted to heritage preservation commission staff.
- (c) Certificate of appropriateness application is reviewed by heritage preservation commission staff and, if the application is complete, scheduled for a public hearing.
- (d) Public hearing agenda and staff report are posted to the city's website.
- (e) Certificate of appropriateness application is heard at the scheduled public hearing. All hearings are open to the public and any person may appear and testify at a hearing. Upon conclusion of public testimony and commission discussion, the commission shall announce its decision or recommendation.
- (f) Commission decisions are logged in the city's permit software.

(Ord. No. 24-112, § 1, 4-22-2024)

Secs. 24.006—24.023. Reserved.

ARTICLE II. HERITAGE PRESERVATION COMMISSION

Sec. 24.024. Heritage preservation commission established; responsibilities.

- (a) There is hereby created within and for the city a heritage preservation commission with the following responsibilities:
 - (1) To conduct surveys and research in order to identify properties which have architectural, archaeological, engineering, historical, or cultural significance to the community;
 - (2) To recommend to the city council properties which meet the criteria of significance stated herein for designation as heritage preservation sites;
 - (3) To protect heritage preservation sites by public review of proposed alterations, relocations, demolitions, or new construction within designated site boundaries;
 - (4) To review and comment on applications pertaining to land use, signs, subdivisions, and site plans on properties designated as heritage preservation sites;
 - (5) To advise the planning commission and/or the city council regarding measures required or appropriate for the preservation, protection or maintenance of heritage preservation sites, which may include, but shall not be limited to, variances or amendments to the zoning code, rules governing construction, demolition, alteration or use, or the removal or repair of a blighting influence incompatible with the physical well-being of designated properties;
 - (6) To promote public recognition and appreciation for heritage preservation sites. It shall periodically publish a register of designated and potential heritage preservation sites and districts, along with guidelines and preservation programs available at that time; and
 - (7) To contract the services, on a permanent basis, of technical experts and such persons as may be required to perform its duties, subject to approval of the city council.

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- (b) The commission shall not make applications to the National Register of Historic Places or to the state for the designation of a historic site or district without the consent of the city council.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.028. Commission composition.

The heritage preservation commission membership shall include representation from the following:

- (a) An architect, or if an architect is not available, an experienced person of the building trades.
- (b) A professional or experienced person in the areas of history, architectural history, archaeology, planning, design, building trades, landscape, architecture, or law.
- (c) A member of the county historical society.
- (d) A representative of the city planning commission.
- (e) Persons with demonstrated interest and/or expertise in historic preservation.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.030. Commission staff.

City staff assigned to the commission shall be the city planner, who shall serve as the secretary. The secretary shall:

- (a) Keep minutes and records of all meetings and proceedings;
- (b) Be responsible for publication of copies of the minutes, reports, and decisions of the commission and all other applicable agencies and individuals identified herein; and
- (c) Give notice as provided herein or by law for all public hearings conducted by the commission.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.031. Annual report.

An annual report shall be prepared and submitted to the state historic preservation officer by October 31 of each year. The commission shall also include its annual report in the annual report of the city. The report shall contain a statement of the commission's activities and plans.

(Ord. No. 24-112, § 1, 4-22-2024)

Sec. 24.032. Meetings.

- (a) The commission shall meet not less than four (4) times a year to initiate and conduct surveys and nominations of properties, to review potential heritage preservation sites, to make recommendations of properties to city council for designation, and to approve the commission's annual report.
- (b) The commission shall meet at its earliest convenience, when called by the chairperson, to review such building permits or applications as are referred to it.

(Ord. No. 24-112, § 1, 4-22-2024)

Secs. 24.033—24.050. Reserved.

CITY OF ALBERT LEA