

It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
LANDMARKS COMMISSION
Menasha City Center
100 Main Street, Menasha
Room 132**

**June 8, 2022
5:00PM**

AGENDA

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE

1. Minutes of the May 18, 2022 Landmarks Commission Meeting

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE LANDMARKS RESPONSIBILITIES OF THE LANDMARKS COMMISSION

Five (5) minute time limit for each person

E. COMMUNICATIONS

F. ACTION/DISCUSSION ITEMS

1. Landmarks Design Guidelines Review
2. City of Menasha 150th Anniversary

G. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Five (5) minute time limit for each person

H. ADJOURNMENT

If you have any questions, please call the Community Development Department at (920) 967-3650 between 8:00 AM – 4:00 PM, Monday through Friday.

Menasha is committed to its diverse population. Our Non-English speaking population or those with disabilities are invited to contact the Community Development Department at 967-3650 at least 24-hours in advance of the meeting so special accommodations can be made.

CITY OF MENASHA
Landmarks Commission
Menasha City Center, Room 133
100 Main Street, Menasha
May 18, 2022
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order by Ald. Grade at 4:59 PM.

B. ROLL CALL/EXCUSED ABSENCES

LANDMARKS MEMBERS PRESENT: Alderperson Tom Grade, Commissioners Sara Bauer, Anastasia Horan, Kate Mueller, and George Davis

LANDMARKS MEMBERS EXCUSED: Commissioners Arnie Collier, Kim Massey

OTHERS PRESENT: AP Farrah Yang

C. MINUTES TO APPROVE

1. Minutes of the April 13, 2022 Landmarks Commission Meeting

Commissioner Bauer made a motion to approve the minutes of the April 13, 2022 Landmarks Commission Meeting. The motion was seconded by Commissioner Horan. The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE LANDMARKS RESPONSIBILITIES OF THE LANDMARKS COMMISSION

Five (5) minute time limit for each person

Commissioner Horan asked if Façade Grants allowed roofs. She said she was curious because Appleton's façade grant allows it.

E. COMMUNICATIONS

1. Downtown Walk-About

Ald. Grade said they had 40 people participate in the tour. He said that Dan, who runs the media cameras for the Council meetings won the gift certificates.

F. ACTION / DISCUSSION ITEMS

1. Application for Façade Alternation – 186 Main Street – Weathervane

The Commission mentioned the color of the sign. AP Yang said confirmed that the owner used the same color Koi used for their sign. After much discussion and viewing the Historic District guidelines paint samples, they agreed that the sign color is similar enough the Historic District color pallet.

Commissioner Davis made a motion to approve the sign at 204 Main Street for Sweet Lair. The motion was seconded by Commissioner Horan. The motion carried.

2. City of Menasha 150th Anniversary

Ald. Grade introduced the agenda item.

AP Yang shared some ideas from surrounding areas such as Ashwaubenon who did a whole rebranding campaign or other municipalities that did special events.

Many ideas were shared amongst the group. The Commission agreed that at the next meeting, everyone would come with ideas to be flushed out and put together. Then once they all agree on the ideas, they would present it to the board.

G. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Five (5) minute time limit for each person

No public comments at this time.

H. ADJOURNMENT

A motion was made by Commissioner Mueller to adjourn the meeting at 5:40 PM. The motion was seconded by Commissioner Horan. The motion carried.

Minutes prepared by AP Yang

- for operating the parks and recreation system and the Menasha Marina.
- (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City or to be applied to Tax Incremental Financing debt if otherwise required by law.
 - (3) Monetary Contributions. All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

SEC. 2-4-7 POLICE COMMISSION; NEENAH-MENASHA JOINT FIRE COMMISSION

- (a) **POLICE COMMISSION.** The Board of Police Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the secretary of the Commission, one member for a term of five (5) years, subject to confirmation by the Common Council. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police Commissioners shall have the power and authority prescribed by s.62.13, Wis. Stats., and this Code of Ordinances.
- (b0) **NEENAH-MENASHA JOINT FIRE COMMISSION.**
 - (1) **ORGANIZATION AND APPOINTMENT.** The Board of the Neenah Menasha Joint Fire Commission shall consist of 6 citizens, 4 of whom shall constitute a quorum. Three members shall be appointed by the Mayor of Neenah and three shall be appointed by the Mayor of Menasha. Each Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one member for a term of 3 years, subject to confirmation by the Common Council. Appointments to the initial joint fire commission shall provide for two members (one from each city) appointed for one year; two members (one from each city) appointed for two years; and two members (one from each city) appointed for three years. No appointment shall be made which shall result in more than 3 members of the Board belonging to the same political party. Such initial appointments shall also be subject to confirmation by the Common Council. The chair of the Commission shall be elected by the board annually at its organizational meeting in May for a one-year term. The chair of the commission shall rotate annually between the Cities of Neenah and Menasha. The vice-chair of the commission shall be from the opposite city than the chair.
 - (2) **POWERS AND DUTIES.** See §62.13, Wisconsin Statutes.

State Law Reference: Section 62.13, Wis. Stats.

SEC. 2-4-8 LANDMARKS COMMISSION.

- (a) The Landmarks Commission shall be organized by and function under the general direction of the Common Council.

- (b) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character, special historic interest or value is a public benefit in that such protection, enhancement, perpetuation and continued use is believed to:
- (1) Serve as a support and stimulus to business and industry, thereby strengthening the economy of the city.
 - (2) Safeguard elements of the City's historic and cultural heritage, as embodied and reflected in historic structures, sites, and districts.
 - (3) Stabilize and improve property values.
 - (4) Foster civic pride in the accomplishments of the past.
 - (5) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.
 - (6) Integrate the modern environment with historic buildings and sites.
- (c) **DEFINITIONS.** The following words and terms wherever they appear in this chapter, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions found in any standard dictionary.
- (1) Alteration. A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.
 - (2) Commission. The Landmarks Commission created under this section.
 - (3) Certificate of Appropriateness. Document issued by the Landmarks Commission, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.
 - (4) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
 - (5) Historic Site. Any parcel of land whose historic significance is due to substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
 - (6) Historic District. An area designated by the Common Council on recommendation of the Commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.
 - (7) Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such improvement.
 - (8) Improved Parcel. Unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided,

however, that the term "improved parcel" shall also include any unimproved area of lands which is treated as a single entity for such tax purposes.

(d) **COMPOSITION AND TERMS.**

- (1) A Landmarks Commission is created whose members shall be appointed by the Mayor, subject to the confirmation by the Common Council, as follows:
 - a. Community Development Director as an ex officio, non-voting member;
 - b. Six members at large;
 - c. An Alderman appointed for one (1) year at annual reorganization meeting.
- (2) The Mayor shall consider prospective member's interest, knowledge, or expertise in historical, architectural, geological, archeological, or cultural preservation. Consideration shall also be given as to whether any member owns property in the designated historic district or a building otherwise designated as historic by the commission.
- (3) All at large members shall be appointed for three-year terms with the first appointments staggered such that three of the original appointees serve three-year terms, two serve two-year terms and the remaining member serves a one-year term. The alderman member shall be appointed by the Mayor and confirmed by the Common Council at its annual organization meeting. The Community Development Director shall serve in an advisory capacity to the Landmark's Commission for an unlimited term.
- (4) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (5) The Landmarks Commission shall select a chair, vice-chair and secretary and shall then adopt rules and regulations for its operation consistent with the provisions of this section.

(e) **POWERS AND DUTIES.** The Landmarks Commission shall have the following powers and duties:

- (1) To develop appropriate criteria and standards for identifying and evaluating neighborhoods, places, structures and improvements which might be classified as landmarks, landmark sites, historic districts or specially designated landmarks.
- (2) To identify landmarks, landmark sites, and historic districts within the City subject to official designation by the Common Council; and which upon such official designation shall be subject to the provisions herein.

(3) Other Duties. In addition to those duties already specified in this Section, the Commission shall:

- a. Cooperate with the historic preservation officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.
- b. Where necessary and appropriate recommend to the Planning Commission that the City acquire an interest in historic properties by purchase, donation or bequest, including the use of "preservation easements", where appropriate.
- c. Establish appropriate markers for officially designated landmarks and historic districts.

- d. Promote public education, interest and support for the preservation and enhancement of historic landmarks, landmark sites, and historic districts.
 - e. To advise owners of landmarks, landmark sites or structures of the benefits, problems and techniques of preservation and encourage their participation in preservation activities.
- (f) **BUDGET AND FINANCE.** For the purposes enumerated in Section 1(b) of this Chapter, the Landmarks Commission may:
 - (1) Any funds deemed necessary shall be included in the Community Development Department budget. The Community Development Director shall monitor all expenditures consistent with City policy.
 - (2) Upon authorization by the Common Council, apply for state and/or federal funding.
 - (3) Upon authorization by the Common Council, raise funds and accept grants or gifts from public and private sources. Such funds shall be placed in a separate account as may be established by the City Comptroller and may be used upon authorization by the Common Council.
 - (4) Recommend contracting for services using such funds as may be authorized in the Community Development Department's budget or from other sources as may be approved by the Common Council. All such contracts require Common Council approval and shall be administered by the Community Development Director.
- (g) **DESIGNATION OF HISTORIC STRUCTURES.** For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the City, such as historic structures, sites or districts which:
 - (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or
 - (2) Are identified with historic personages or with important events in national, state, or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Are representative of the notable work of a master builder, designer, or architect who influenced his age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
 - a. Designation of historic structures and historic sites.
 - 1. The commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in section (4), above. At least 10 days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners or property in whole or in part situated within 100 feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin Statutes. The commission shall also notify the following: department of public works, redevelopment authority,

parks department, fire and police departments, health department, building inspection department, plan commission, and the city assessor. Each such department may respond to the commission with its comments on the proposed designation or rescission.

2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspection department, plan commission, and the city assessor. The property owner may appeal such decision to the common council within 30 days. The commission shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(h) **DESIGNATION OF HISTORIC SIGNS.**

- (1) A sign may be designated to be eligible for listing on the Historic Sign Inventory when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) or more of the following criteria:
 - a. Is identified with the history of a product, business or service advertised.
 - b. Reflects the history of the building or a Historic District on/in which the sign is located.
 - c. Is integrated into the architecture of the building on which they sign is located and may be exemplary of a historically significant architectural style of the building.
 - d. The sign, if removed from a Historic Structure, will harm the integrity of the building or cause significant damage to its materials.
 - e. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.
 - f. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history.
- (2) The Commission may, after notice and public hearing, evaluate and designate a sign as historically significant or recommend rescinding a previous designation of historical significance upon application of criteria provided in this section above. A review of eligibility for listing on the Historic Sign Inventory may be initiated by the Landmarks Commission or the owner of an improvement parcel which contains a potential Historic Sign. Where a property owner petitions the Commission to review eligibility for listing on the Historic Sign Inventory, the owner shall provide sufficient supporting documentation for Commission evaluation.
- (3) At least ten (10) days prior to such hearing, the Commission shall, by regular mail or person service, notify persons listed as owners of relevant improvement parcels containing a potential Historic Sign and owners of improvement parcels situated

within one hundred (100) feet of the boundary of the improvement parcel containing the potential Historic Sign of the date, time and place of hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the Director of the Department of Community Development. The Department of Community Development may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the sign in issue and direct the conduct of an independent investigation into the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing.

- (4) The Commission shall approve or deny the designation of the sign as a Historic Sign. If approved for designation as a Historic Sign, the Commission shall direct that it be included on a Historic Sign Inventory and, if located on a building or structure designated as a Historic Structure or site, identified as such. Historic signs shall be exempt from the provision of Article F of the Menasha Code of Ordinances. The Historic Sign Inventory shall be on file and available for public inspection in the Community Development Department.

(i) **PRESERVATION AND ADOPTION OF HISTORICAL PROPERTIES.** Guideline criteria in the development of historic district plans are as follows:

- (1) Regulation of construction, reconstruction, and exterior alteration shall conform to the criteria and standards in subsection (G)(1).
- (2) All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- (3) The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
- (4) In the street elevation of a building, the proportion between the width and height in the façade should be visually compatible with the building and environment with which it is visually related.
- (5) The proportions and relationships between doors and windows in the street façade should be visually compatible with the buildings and environment with which it is visually related.
- (6) The rhythm of solids to voids, created by openings in the façade, should be visually compatible with the buildings and environment with which they are visually related.
- (7) The existing rhythm created by existing building masses and spaces between them should be preserved.
- (8) The materials used in the final façade should be visually compatible with the buildings and environment with which they are visually related.
- (9) The texture inherent in the façade should be visually compatible with the buildings and environment with which it is visually related.
- (10) Colors and patterns used on the façade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.

- (11) The design of the roof should be visually compatible with the buildings and environment with which they are visually related.
- (12) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- (13) The street façade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- (14) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
 - a. Review and adoption procedure.
 - 1. Landmarks Commission

The Landmarks commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official city paper. Notice of the time, place, and purpose of the public hearing shall also be sent by the city clerk to the council member of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the Office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 100 feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the Landmarks commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the city plan commission and the common council.
 - 2. The City Plan Commission

The plan commission shall review the historic district plan and make a recommendation to the common council. The plan commission shall make its recommendation on the historic district plan within 45 days.
 - 3. The Common Council

The common council, upon receipt of the recommendation from the Landmarks commission and plan commission, shall hold a public hearing, with notice to be given as noted in subsection 1., above, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan. Property owners may appeal such decision to the common council within 30 days.

(j) **REGULATION OF CONSTRUCTION, RECONSTRUCTION, AND EXTERIOR ALTERATION.**

- (1) Certificate of Appropriateness. A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void.

Acceptable exterior alterations include, but are not limited to, the construction of additions, the installation of siding, windows, doors, awnings, and signage, or the application of paint or other exterior coatings.

- a. Such application shall contain a description and sketch of the proposed changes.
 - b. A copy of the procedures for Landmarks Commission review shall be provided in writing to each applicant.
 - c. Within ten (10) days of the referral from the Director of Community Development, the Landmarks Commission shall schedule a meeting to review said application. The Landmarks Commission shall utilize the following criteria to evaluate the appropriateness of the proposed change.
 1. In the case of a designated historic district, structure or site, the proposed work should not detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and,
 2. In the case of the construction of a new structure upon a historic site, the exterior of such improvement should not adversely affect the external appearance of other neighboring improvements. Such improvement shall also harmonize with the external appearance of other neighboring improvements on such site; and,
 3. In the case of any property located in a designated historic district the proposed construction, reconstruction, or exterior alteration shall conform to the objectives and design criteria of the Historic Preservation Plan.
- (2) If the Landmarks Commission determines the landmark, landmark site, or property within a historic district would be adversely affected by the proposed change or if for any other reason the Commission rejects the request, the Commission shall state in writing the reasons.
- (3) Should the Landmarks Commission fail to act within the specified time period or refuse to issue a certificate of appropriateness due to the failure of the proposal to meet the guidelines, the applicant may appeal to the Common Council.
- (4) If a Certificate of Appropriateness is granted, building permit applications shall be made to the Director of Community Development. The application for a Certificate of Appropriateness must be signed by the owner or his authorized representative, and the form must be signed by the chairman of the Landmarks Commission stating its approval, denial, or approval with conditions and the reasons for the decision.
- (5) When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Commission shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.
- a. The Secretary's Standards for Rehabilitation are:
 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will 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 elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will 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.

(k) **REGULATION OF DEMOLITION AND NEW CONSTRUCTION.** No portion of a designated historic structure or site shall be demolished, nor shall a new building be constructed or new use established in a historic district unless such demolition, construction or use complies with this Section.

- (1) A permit is required as described in Section (g). Application shall be made to the Director of Community Development utilizing the procedures enumerated in Section (g)(1-2).
- (2) In determining whether to issue a certificate of appropriateness for demolition, new construction or alternate use, the Landmarks Commission shall consider:
 - a. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it.

- b. Whether any prospective new structure, or change in use would be compatible with the buildings and environment or the district in which the subject property is located.
 - c. Whether the building or structure is of such architectural or historic significance that this demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the state.
 - d. Whether demolition of the property would be contrary to the purpose and intent of this chapter and to the objectives of the Historic Preservation Plan.
 - e. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense.
 - f. Whether retention of the building or structure would encourage study of American history, architecture and design or develop and understanding of American culture and heritage.
- (3) These provisions shall not apply to any building or structure which has been determined by the Building Inspector in consultation with the Community Development Director to fulfill the requirements of Sec. 66.05 Wis. Stats., and Sec. 11-7-5 and Sec. 15-5-13 City of Menasha Code, or if the City or any other governmental entity is proceeding under Ch. 32 Wis. Stats.
- (l) **PENALTIES.**
 - (1) Any person who alters, or constructs a building or structure in violation of this chapter shall be required to restore the building or structure and its site to its appearance prior to the violation. Such restoration shall be completed within such time frame as set by the Landmarks Commission using materials, building design and construction methods approved by said Commission. Failure to complete the restoration in conformance with the requirements of the Landmarks Commission shall constitute a violation of this ordinance. Violations shall be subject to the penalties listed in Section 13-1-135 of the Menasha Code of Ordinances. Each day the violation continues shall constitute a separate offense.
 - (2) Any person who demolishes a building or structure in violation of Section (h) shall forfeit a sum equal to fifty percent (50%) of the value of the building or structure, should the Landmarks Commission and Common Council make a finding after a hearing that the demolished structure had major historical significance. The value shall be determined by using the assessed value from the previous year's property tax assessment as equalized by the Wisconsin Department of Revenue.
 - (3) The Community Development or his/her designee, with the advice and consent of the City Attorney, is authorized to issue a citation or to institute any formal proceeding to enjoin, correct, or abate any violation of this chapter.
- (m) **MAINTENANCE OF HISTORIC STRUCTURES, HISTORIC SITES, AND HISTORIC DISTRICTS.** Every person in charge of an improvement or structure in a historic district shall keep in good repair all of the exterior portions and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of such improvement or structure to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (n) **CONDITIONS DANGEROUS TO LIFE, HEALTH, OR PROPERTY.** Nothing contained in this Section shall prohibit the making of necessary construction, reconstruction alteration or demolition of any historic structure, any improvement on a historic site or in a

historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions as determined by the Community Development Director to be dangerous to life, health, or property. In such cases, no approval from the Landmarks Commission shall be necessary.

(o) **VACANT BUILDING REGISTRATION.**

(1) INTENT. It is the intent of this ordinance to require owners of vacant buildings in the Central Business District (C-2) to register with the City of Menasha and to maintain these buildings to prevent creation of public nuisance; preserve property values, and promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Menasha.

(2) VACANT DEFINED: For the purpose of this Section, a vacant building is defined as any building, zoned Central Business District (C-2), that has commercial units that are abandoned, unoccupied, empty, or has a retail business that is not open to the public more than 13 days a month. A day is a period of time, not less than 4 consecutive hours in a 24 hour period, which a business is open to the public and an employee of that business is present at the property.

(3) REGISTRATION:

a. The property owner of any building, within the Central Business District (C-2), that is or has become vacant, shall file a registration statement with the Community Development Department, on forms provided by the department, within 30 days, after the effective date of this ordinance, after the building becomes vacant or within 30 days after assuming ownership, whichever is later.

1. It is the responsibility of the property owner to register their building with the city if any of the commercial units within the building are vacant.

2. If the building is not vacant the burden of proof shall lie with the property owner.

3. There is no fee for the initial registration of a vacant building.

b. The property owner shall renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee of \$250 for each registered building.

1. The property owner of any vacant building for which registration is required by this section shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with building and health code requirements, following reasonable notice. If any property owner of a vacant building does not provide access to the property at the scheduled time, the Community Development Director or designee may apply for and obtain a special inspection warrant pursuant to §66.0119, Wis. Stats.

2. Every vacant building shall be subject to city inspection at least once every six months.

3. In the event the inspector finds a code violation anywhere on the property, a re-inspection fee of \$500 per vacant building inspection will be imposed until the violation has been corrected. Once the violation is corrected the fee shall return to \$250 per vacant building inspection.

4. A fee of \$85 shall be imposed for each time the inspector is unable to gain access to the structure for the inspection at the time scheduled.

- (4) In the event the building no longer meets the definition of vacant, it is the responsibility of the property owner to contact the city and provide proof the building is occupied. At this time the building will be removed from the vacant building registration list.
- (5) **FAILURE TO REGISTER.** Any property owner that fails to register or re-register a vacant building as required under this section shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the costs of the action.
- (6) A building vacant for more than a year or a building that has failed multiple inspections may be recommended by the Landmarks Commission to the Plan Commission to be blighted pursuant to Wisconsin State Statute 66.1333(2m)(bm).
- (7) **FEES COLLECTED:** All funds collected through the Vacant Building Ordinance shall be put into the CBD Façade Renovation Grant/Loan Program.

SEC. 2-4-9 HOUSING AUTHORITY.

(a) APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS.

- (1) The Mayor shall, with the confirmation of the Council, appoint five (5) persons who are citizens of the City as Commissioners of the Housing Authority. No Commissioner may be connected in any official capacity with any political party nor shall more than two (2) be officers of the City.
- (2) The Commissioners who are first appointed shall be designated by the Mayor to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the date of their appointment. Thereafter, the term of office shall be five (5) years. A Commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term in the same manner as other appointments. Three (3) Commissioners shall constitute a quorum. The Mayor shall file with the City Clerk a certificate of the appointment or reappointment of any Commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon his office. A Commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

(b) SELECTION OF OFFICERS. When the office of the first chairman of the Housing Authority becomes vacant, the Authority shall select a chairman from among its members. The Authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The Authority may call upon the City Attorney or chief law officer of the City for such legal services as it may require. The Authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

- (c) The Housing Authority shall have all the powers and perform all of the duties conferred upon it by Section 66.40, Wis. Stats.

SEC. 2-4-10 COMMITTEE ON AGING.

- (a) **COMPOSITION; TERMS.** The Committee on Aging shall consist of eight (8) members

The Purpose of a Historic District

The Historic District is intended to protect and conserve the heritage and character of the community. It provides for the preservation of designated areas within the planning jurisdiction, including individual properties therein that embody important elements of social, economic, political, or architectural history. In addition, it stabilizes and enhances of property values.

It is intended that these regulations ensure, insofar as possible, that buildings or structures in the Historic District shall be in harmony with other buildings or structures located therein.

However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings, or to prohibit the demolition or removal of such buildings, or to impose architectural styles from particular historic periods, but rather to encourage design, whether contemporary or traditional, which is harmonious with the character of the Historic District.

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

The Benefits of Being Located in a Historic District

Historic preservation has emerged as having a positive economic impact on the community. This impact is measurable and has been demonstrated in many cities around the world.

People are drawn to a city's unique character created by a backdrop of historic buildings, sites and streetscapes. Menasha has a downtown rich with history and the sense of place created by streets and structures built more than 100 years ago. The downtown area is striking in its relationship with the river and its history.

Historic downtown properties tell a remarkable story that is unique to Menasha. This sense of place is a powerful marketing tool. And there are other benefits to historic preservation.

A restored historic commercial district serves as a centerpiece of community life, a place to shop, invest, recreate, and live. Studies show that property values in local historic districts appreciate at greater rates than the local market, especially in districts with local regulatory controls.

Preserving historic buildings saves energy and resources. It is now recognized as one of the most important proactive methodologies available for reducing negative environmental impact.



Project Guidelines for a Historical District

Exterior Alterations

A permit is required for any alteration to the exterior of a designated historic structure or a structure within a historic district, or causing any physical change to a designated historic site. Exterior alterations include but are not limited to, the construction of additions, the installation of siding, windows, doors, awnings and signage, and the application of paint or any other exterior coatings.

Demolition & New Construction

Designated Historic Structures or sites may not be demolished nor may new buildings be constructed or uses be established unless a permit is granted. Permitting requirements are the same as for building alterations. In reviewing the proposed demolition or new construction, the Landmarks Commission considers the following:

- whether the building or structure is in such a deteriorated condition that restoration is not structurally or economically feasible.
- whether a new structure or change in use would be compatible with other buildings and environment of the district.
- whether the architectural or historical significance of the structure is such that demolition would be contrary to the public interest.
- whether demolition would be contrary to the intent of the Landmarks Commission ordinance or an adopted historic preservation plan.
- whether the building or structure is of such old, unusual, or uncommon design that it could not be reproduced.

whether retention of the building or structure would encourage - knowledge and understanding of history, architecture, or design.

Application

Persons contemplating additions or alterations should contact the city's Community Development Department. Applicants **must** provide a description and/or sketch of the proposed change.

Upon receipt, the Community Development Director confers with the Landmarks Commission chairman who determines whether the application should be referred to the commission for review and recommendation.

Review

If the Chairman determines that the change is significant enough to warrant commission review, a meeting is scheduled to be held within 10 days. In reviewing the proposed change, the

Landmarks Commission employs the following criteria:

- whether the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature;
- whether construction of a new structure would adversely affect or would not harmonize with the appearance of neighboring improvements; and
- whether a property in a designated historic district complies with the objectives and criteria of an approved Historic Preservation Plan.

Consultation

The Landmarks Commission consults with the applicant to learn of specific needs and concerns. The commission may offer specific suggestions on the use of methods and building materials to achieve the applicant's objectives. Through this process, the structural renovations can be accomplished in a manner that is sensitive to the building's history and architecture, as well as the applicant's functional and financial concerns.

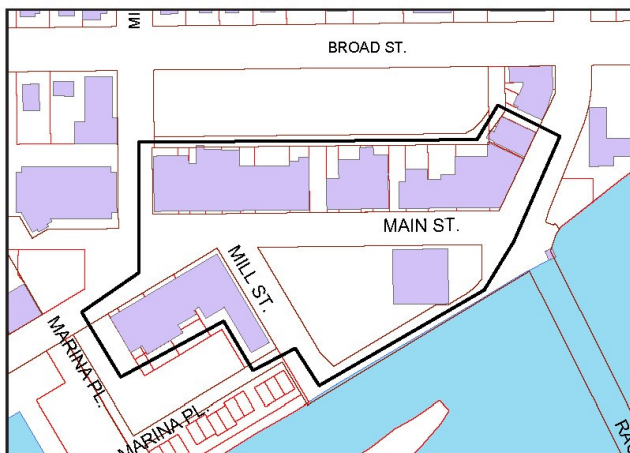
Decision

Within thirty days of referral, the Landmarks Commission shall make a finding concerning the appropriateness of the proposed change. If approved, a permit shall be issued and the work may proceed. If the commission finds that the proposed work does not meet the review criteria, a permit may not be issued.

Appeal

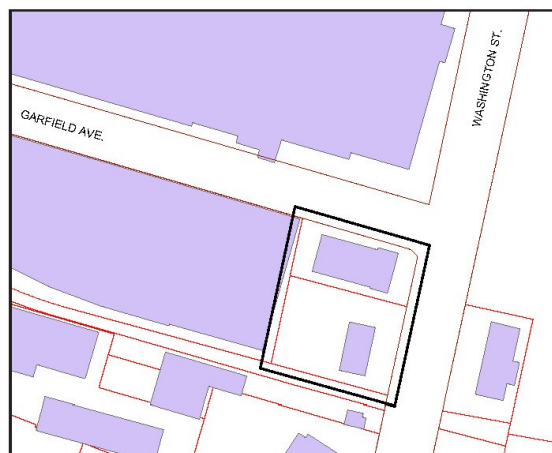
If the Landmarks Commission does not act within the specified time period or finds that the proposed change does not meet the review criteria, the applicant may appeal the commission's decision to the Common Council.

Downtown Historic District



2.

Washington Street Historic District



Historical District Financial Assistance

Grants

Currently, matching grants are available for approved projects on a dollar-for-dollar basis up to \$2,500 per building façade. A façade shall be defined as a building elevation that has a primary exposure to a public street or is otherwise highly visible from space dedicated to the public.

The Director of Community Development and the Landmarks Commission will dispense Grant funds upon submission of an invoice and verification of completion of the work in accordance with the application as approved.

Loans

Loans are available for approved projects. The Director of Community Development in consultation with the City Comptroller and City Attorney will review applications. The applicant's capacity to repay the loan and other considerations relevant to the project shall be criteria for approval. The applicant may be required to submit personal and/or corporate financial statement, tax returns or other evidence of financial capacity. The applicant may be required to execute a mortgage or provide some other means of securing the funds borrowed.

Approved loans will bear interest at a predetermined rate per annum and have a maximum term of one year per \$1,000 borrowed. The maximum loan amount is \$20,000 per project, with a maximum term of ten years.

Applications for grants or loans are available at the Community Development Department on the second floor of City Hall at 140 Main Street, Menasha, Wisconsin.

Application Steps

1. Project Planning

The façade grant/loan application requires that you include a description of the proposed work including a timetable with a project start and completion date.

Your description should include: a detailed rendering of the proposed project, a listing of the number and type of changes you'd like to make, the type of materials and color of materials you will be using, the method of construction, and a rough estimate of the cost to complete the work.

2. Initial Consultation

The applicant shall meet with the Community Development Director to review your plan. A preliminary assessment will be made of the project's eligibility and the appropriateness of the materials and/or finishes to be used. Pursuant to the Landmarks Commission Ordinance, the National Park Service's Guidelines for Rehabilitation Historic Buildings, along with other standards, will be used.

The Director of Community Development may consult with the Landmark's Commission members, the State Historical Society, or others of recognized expertise to assist you in submitting the most appropriate plan.

3. Application

Following the initial consultation, the Director of Community Development may authorize proceeding with the grant or loan application. Such application shall include a detailed description of the project including those elements described above.

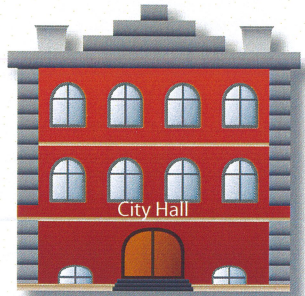
Two written estimates from bona-fide contractors or suppliers must be submitted for projects costing over \$1,000. If the property owner is proposing to do the work, only the cost of materials shall be eligible for funding.

4. Approval

Your completed application will be scheduled for review at the next regularly scheduled Landmarks Commission meeting.



Project Approval Steps



Step 1.

Go to the Community Development Office at City Hall to pick up an application.



Step 2.

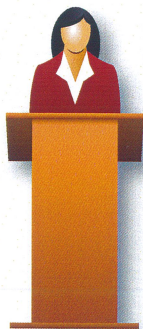
Fill out the application and attach drawings or photographic samples of your proposed signage, facade changes or outdoor dining area. *It will expedite the process if you have paint color samples, material samples or brochures showing the building materials and products you intend to use.*



Step 3.

Bring your completed application along with copies of all your project drawings, photos and other detail documents back to the Community Development Office. They will determine if your application is ready. If it needs more work, they will assist you on how best to proceed. If it is complete they will put you on the agenda for the soonest available Landmarks Commission meeting. Meetings are held on the second Wednesday of each month.

Note: If weather or other considerations require that your project be reviewed earlier than the next regularly scheduled meeting, a special session may be called.



Step 4.

Attend the scheduled Landmarks Commission meeting to present your project.

Step 5.

If the Commission feels your plans need to be adjusted to better fit the Historical District, they will provide ideas and direction.

If your plans are approved, you will receive a Certificate of Appropriateness allowing you to proceed with your project.



Approved Paint Colors For The Downtown Menasha Historic District

This is a small representation of the many approved colors for the district . Colors presented here are approximate.
A complete set of paint swatches is available at the City of Menasha Economic Development office.

