

By-laws and Rules of Procedure: The Saint Paul Heritage Preservation Commission

Article I: The Commission

Section 1. Name

The name of this commission shall be the Saint Paul Heritage Preservation Commission.

Section 2: Powers and Duties

The function of this commission shall be to observe and carry out the provisions of Chapter 73 and Chapter 74 of the Saint Paul Legislative Code, the Comprehensive Plan for the City of Saint Paul and the Secretary of the Interior's Standards for the Treatment of Historic Properties, which reads in part as follows:

~~Sec. 73.04. Powers and duties of the commission.~~

~~The commission shall have the following powers and duties in addition to those otherwise specified in this chapter:~~

~~(1) *Advisory body.* The commission shall serve as an advisory body to the mayor and city council on municipal heritage preservation matters. It shall review and comment on plans and studies which relate to the historic and architectural heritage of the city submitted by the office of the mayor through the division of planning and shall recommend to the mayor initiation of such studies and preparation of such reports as it deems necessary to perform its duties and carry out the intent of this chapter. All such studies and reports transmitted to the mayor and city council shall contain the recommendations of both the division of planning and the heritage preservation commission. The division of planning shall inform the commission of city planning and development activities which relate to or have potential impact on the historic and architectural heritage of the city.~~

~~(2) *Survey.* The commission shall conduct a continuing survey of all areas, places, buildings, structures or similar objects in the city which the commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as heritage preservation sites.~~

~~(3) *Designation of sites.* The commission shall recommend to the mayor and city council areas, buildings, objects or districts to be designated as heritage preservation sites in the city, except for the Capitol Area, as defined in Minnesota Statutes, Section 15.50, Subdivision 2, along with programs for the preservation of such sites.~~

~~(4) *Review of permits.* The commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits for exterior work within designated heritage preservation sites.~~

~~(5) *Eminent domain.* The heritage preservation commission may recommend to the city council, after review and comment by the city planning commission, that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation or by eminent domain as provided for in Chapter 117 of Minnesota Statutes.~~

~~(6) *Education.* The commission shall work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city. It shall keep current and public a register of designated heritage preservation sites and areas.~~

~~(7) *Technical experts.* The commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties.~~

~~(8) *Solicitation of gifts.* The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purposes of heritage preservation.~~

~~(9) *National Register nominations.* The commission shall make no application to the National Register or to the state for the designation of a historic site or district without the consent of the city council.~~

~~(10) *Street name changes.* The commission shall review and comment on any proposed name change for a city street which has had its current name for fifty (50) years or more prior to action on the name change by the city council. In their review of and recommendations on such street name changes, the commission shall utilize guidelines and criteria as adopted by the commission on April 14, 1988.~~

~~(11) *Written summary of commission expertise.* The commission shall prepare and maintain a summary of the skills, knowledge, competencies and technical expertise in heritage preservation and related areas which are needed by the commission to carry out its duties and functions under this chapter, but which its membership does not have or in which the commission should have more depth. Such summary shall be in writing, and shall be updated when there are vacancies in the membership of the commission, and before the regular expiration of the terms of any members of the commission. Such summary and each update thereof shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared. City staff assigned to assist the commission shall assist in the preparation of such summary. Failure to prepare or update such summary shall not in any respect limit or affect the ability of the mayor to appoint or reappoint or the council to advise and consent to appointments or reappointments to the commission.~~

~~(12) *List of organizations.* The city staff assigned to assist the commission shall prepare and maintain a list of city organizations, professional associations, businesses and individual persons who are known to the commission or to the staff to have (i) a demonstrated interest in historic preservation, or (ii) skills, knowledge, competencies or technical expertise in heritage preservation or related areas. Such list shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared or updated. Forty-five (45) days before anticipated or actual vacancies occur on the commission and before the regular expiration of the terms of members of the commission, city staff shall notify this list of such vacancies with the goal of generating a pool of qualified applicants for appointment to the commission. Failure to include anyone on the list or to send them notice shall not in any respect limit or affect the ability of the mayor to appoint or the council to advise and consent to appointments or reappointments to the commission.~~

~~(Ord. No. 17703, § 5, 1-9-90; Ord. No. 00-357, § 1, 5-3-00)~~

~~Sec. 73.05. Designation of heritage preservation sites.~~

~~(a) *Criteria.* In considering the designation of any area, place, building, structure or similar object in the City of Saint Paul as a heritage preservation site; the commission shall apply the following criteria with respect to such designation:~~

~~(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Saint Paul, State of Minnesota, or the United States.~~

~~(2) Its location as a site of a significant historic event.~~

~~(3) Its identification with a person or persons who significantly contributed to the culture and development of the City of Saint Paul.~~

~~(4) Its embodiment of distinguishing characteristics of an architectural or engineering type or specimen.~~

~~(5) Its identification as the work of an architect, engineer, or master builder whose individual work has influenced the development of the City of Saint Paul.~~

~~(6) Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represent a significant architectural or engineering innovation.~~

~~(7) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of Saint Paul.~~

~~(b) *Planning commission review.* The heritage preservation commission shall advise the city planning commission of the proposed designation of a heritage preservation site, including boundaries, and a program for the preservation of a heritage preservation site, and secure from the city planning commission its recommendation with respect to the relationship of the proposed heritage preservation designation to the comprehensive plan of the City of Saint Paul, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, 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. Said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the heritage preservation commission along with its recommendation concerning the proposed designation to the city council. The heritage preservation commission may make such modifications, changes and alterations concerning the proposed designations as it deems necessary in consideration of the recommendations of the city planning commission.~~

~~(c) *Communication with state historical society.* A copy of the heritage preservation commission's proposed designation of a heritage preservation site, including boundaries, and a program for the preservation of a heritage preservation site, shall be sent to the state historical society in accordance with Minnesota Statutes, Section 471.193, Subdivision 6.~~

~~(d) *Hearings.* Prior to the heritage preservation commission recommending to the city council any building, district or object for designation as a heritage preservation site the commission shall hold a public hearing and seek the recommendation of all concerned citizens. Prior to such hearing the heritage preservation commission shall cause to be~~

~~published in a newspaper of general circulation notice of said hearing at least twenty (20) days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property proposed to be designated a heritage preservation site and to all owners of property within one hundred (100) feet of the boundary of the area to be designated a heritage preservation site.~~

~~(e) *Finding and recommendations.* The heritage preservation commission shall determine if the proposed heritage preservation site is eligible for designation as determined by the criteria specified in paragraph (a) of this section, and if the heritage preservation commission recommends to the city council that the site be designated as a heritage preservation site, the commission shall transmit to the city council with its recommendation its proposed program for the preservation of the site.~~

~~(f) *Council designation, hearings.* The city council, upon the request of the heritage preservation commission, may by ordinance designate a heritage preservation site. Prior to such designation, the city council or one of its committees shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least twenty (20) days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a heritage preservation site and to all owners of property within one hundred (100) feet of the boundary of the area to be designated a heritage preservation site.~~

~~(g) *Heritage preservation program, amendment.* The heritage preservation commission may recommend to the city council that the adopted heritage preservation program for any heritage preservation site be amended and shall send a copy of the proposed amendment to the state historical society. Upon receipt of any such proposed amendments, the council may consider the matter at a public hearing held for that purpose, with published notice of the public hearing in a newspaper at least twenty (20) days prior to the hearing. If adopted by the council, a copy of the amended program shall be maintained on file in the office of the city clerk for public inspection.~~

~~(Ord. No. 17146, 7-10-84; Ord. No. 17703, § 14, 1-9-90)~~

~~**Sec. 73.06. Review of permits.**~~

~~(a) *Type of building activity.* The heritage preservation commission shall review and approve or disapprove the issuance of city permits to do any of the following in a heritage preservation site in the City of Saint Paul:~~

~~(1) Remodel or repair in any manner, not including painting, that will change the exterior appearance;~~

~~(2) Construction;~~

~~(3) Move a building;~~

~~(4) Demolition; however, this does not apply to structures that are the subject of a resolution adopted by the city council requiring the demolition of the structure or that are the subject of an administrative order signed by the mayor requiring emergency demolition in accordance with Chapter 45, Legislative Code of the City of St. Paul or Minnesota Statutes, Chapter 463.~~

~~(b) *City activity.* The heritage preservation commission shall review and make recommendations concerning all other city activity to change the nature or appearance of a heritage preservation site, and no permit shall issue or work commence until the~~

~~heritage preservation commission renders its recommendation thereon subject to the limitation specified in paragraph (f) of this section.~~

~~(c) *Criteria.* All decisions of the heritage preservation commission with respect to this section shall be in accordance with the approved program for the preservation of each heritage preservation site.~~

~~(d) *Permit application and plans.* Every application for a building permit in relation to property designated as a heritage preservation site in the City of Saint Paul shall be accompanied by detailed plans for the proposed work to be done. A copy of the application and the plans submitted therewith shall be immediately referred by the city building official to the heritage preservation commission, and permits shall not be issued until the application is approved by the heritage preservation commission, subject, however, to paragraph (f) of this section.~~

~~(e) *Commission review.* The heritage preservation commission, upon receipt of the application for permit and plans, shall determine if the work to be performed pursuant to the permit adversely affects the program for the preservation and architectural control of the heritage preservation site or district. If it is determined that the work to be performed pursuant to the permit application does not adversely affect the applicable program, the application shall be approved and the city building official notified in writing. The commission, or a subcommittee of the commission, or the head of the division of planning or his designee in the case of a permit application for which the commission has delegated its authority for review and approval, may approve the application subject to such conditions as may reasonably advance the purposes of this section and the applicable preservation program. If the application is not approved, the heritage preservation commission shall conduct a public hearing for the purpose of determining whether the work to be performed adversely affects the applicable program. Notice of the public hearing shall have been published in a newspaper of general circulation and sent to the permit applicant at least ten (10) days prior to the date of the hearing. The heritage preservation commission shall review the permit application and such plans as submitted therewith and, after receiving recommendations from concerned citizens, shall render its decision thereon as a written order to the city building official. No permit shall issue in regard to any application for a permit required under this section to be submitted to the heritage preservation commission until the city building official shall receive the order from the heritage preservation commission, subject, however, to paragraph (f) of this section. The commission shall furnish the permit applicant with a copy of the commission's written order and decision, together with a copy of any recommendations for changes necessary to be made before the commission will reconsider the applicant's permit application.~~

~~Any fees for heritage preservation commission review of building permit applications and plans shall be established by resolution of the city council. Such resolution may provide for waiver or refund of such fee under specific circumstances.~~

~~(f) *Limitations.* If within sixty (60) days from the filing of a building permit application the commission has neither approved nor denied the building permit application, the plans and permit application shall be deemed to have been approved by the commission, and if all other requirements of the city have been met, the division shall authorize a permit for the proposed work. No permit shall issue or work commence in the event the commission disapproves the application in accordance with this section.~~

~~(g) *Emergency repair.* In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the city building official may approve the repair without prior heritage preservation commission action. In the case of a permit issued pursuant to this paragraph, the city building official shall immediately notify the heritage preservation commission and specify the facts or conditions constituting the emergency situation.~~

~~(h) *Appeal to city council.* The permit applicant or any party aggrieved by the decision of the heritage preservation commission shall, within fourteen (14) days of the date of the heritage preservation commission's order and decision, have a right to appeal such order and decision to the city council. The appeal shall be deemed perfected upon receipt by the division of planning of two (2) copies of a notice of appeal and statement setting forth the grounds for the appeal. The division of planning shall transmit one copy of the notice of appeal and statement to the city council and one copy to the heritage preservation commission. The commission, in any written order denying a permit application, shall advise the applicant of the right to appeal to the city council and include this paragraph in all such orders.~~

~~Any fee established by resolution of the city council shall be paid by the appellant at the time the notice of appeal is filed. Such resolution may provide for waiver or refund of such fee under specific circumstances.~~

~~(i) *Factors to be considered.* Before approving any permit application required under paragraph (d) of this section to be approved by the heritage preservation commission, the commission shall make findings based on the program for the preservation and architectural control for the heritage preservation site in regard to the following:~~

~~(1) In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not materially impair the architectural or historic value of the building, and shall make written findings considering the existing structures and existing exterior appearance, building height, building width, depth or other dimensions, roof style, type of building materials, ornamentation, paving and setback.~~

~~(2) In the case of the proposed demolition of a building, prior to approval of said demolition, the commission shall make written findings on the following: Architectural and historical merit of the building, the effect of the demolition on surrounding buildings, the effect of any proposed new construction on the remainder of the building (in case of partial demolition) and on surrounding buildings, and the economic value or usefulness of the building as it now exists or if altered or modified in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.~~

~~(3) In the case of a proposed new building, that such building will not in itself, or by reason of its location on the site, materially impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity within the historic preservation site.~~

~~(j) *Documentation.* In cases where the commission approves a permit application for demolition, partial demolition, moving or substantial alteration of a designated site or structure within a designated district, the commission may require that said site or structure(s) be documented, at the owner's expense, according to the documentation standards of the Historic American Building Survey and the Historic American Engineering Record (HABS/HAER) for deposit with the commission and the Minnesota Historical Society prior to the demolition, move or alteration.~~

~~(k) *Permit time limit.* No order of the heritage preservation commission or city council approving the issuance of building permits under this section shall be valid for a period longer than one year, unless a building permit is obtained within such period and work is proceeding within the terms of such permit unless the heritage preservation commission grants an extension not to exceed one year. In granting such extension, the heritage preservation commission may decide to hold a public hearing.~~

~~(Ord. No. 16772, 3-19-81; Ord. No. 17696, § 1, 11-16-89; Ord. No. 17703, § 24, 1-9-90)~~

Section 3. Places of Meetings

~~All M~~meetings of the Commission shall be located within city limits of at such place in Saint Paul, Minnesota, ~~as the Commission may designate by resolution. All Regular and special~~ meetings of the Commission shall be open to the public. ~~Notice of all meetings shall be filed with the City Clerk's office.~~

Article II: Officers

Section 1: Officers

The officers of the Commission shall consist of be a chair, a vice-chair, a secretary and such others as needed from time to time and are elected provided by official action of the Commission.

Section 2: Election

All officers shall be elected by the first at each annual meeting in February of the Commission for a term of one year and until their successors are elected.

Section 3: Nominations

A nominating committee shall be established at a November meeting of the Commission two months prior to the annual meeting for the purpose of nominating candidates for chair, vice-chair and secretary for the following year. The nominating committee shall also allow non-committee nominations be permitted by individual members of the Commission at the annual meeting in which elections are held.

Section 4: Terms

Officers shall not serve more than three successive one-year terms.

Section 5. Vacancy

Should an office become vacant, the Commission shall elect a successor for the unexpired term of said office. The Commission may, by a two-third vote of the full Commission, declare an office vacant.

Article III: Duties of Officers

Section 1: Chair

The chair shall have the duties and powers usually attendant upon the office of the chair and such other duties and powers as may be provided from time to time by the Commission. The chair shall preside at all meetings of the Commission if he / she is present. At each meeting the chair shall make such reports to the Commission as he / she may deem necessary or as may be required of the chair, and perform such other duties as are incident to the chair's office or are required of the chair by the Commission.

Section 2: Vice-Chair

The vice-chair shall perform the duties of the chair in his / her absence or incapacity and /or because of death or resignation of the chair until a new chair is elected.

Section 3: Secretary

The secretary shall perform the duties of the office of secretary of the Commission and shall preside at all meetings of the Commission in the absence of the chair and vicechair.

Article IV: Meetings

Section 1: Annual Meetings Report of the Commission and Staff

The annual ~~report of the Commission and Staff meeting of the Commission~~ shall be ~~presented to the Commission by the first meeting in February. held on the second Thursday in January, provided, however, that the date of the annual meeting may be postponed for a period not to exceed 30 days upon the vote of a majority of the commissioners in office at any time taken at any regular or special meeting of the Commission.~~

Section 2: Business of the Commission Regular Meetings

All business of the Commission shall be conducted at regular meetings except as provided in Article IV, Section 3. Regular meetings shall be held ~~every two weeks on the second Thursday of every month~~ unless the date scheduled is a recognized City of Saint Paul same shall be a holiday in which event an alternative meeting date may be set by the Commission. The meeting shall be held as provided in Article I, Section 3. The staff chair of the Commission shall determine the agenda for Commission meetings. If the staff chair determines there is not sufficient business to warrant a ~~regular~~ meeting, the staff chair may cancel the meeting provided there is a five-day notice.

Section 3: Special Meetings.

The Commission ~~at any regular meeting~~ may provide for a special meeting to deal with a specific item of business ~~that requires action before the next regular meeting of the Commission~~. In the event of an emergency, a special meeting of the Commission may be called by the chair ~~or by any three commissioners~~ by a written notice ~~filed with the chair, who shall mail or deliver notice~~ of time and place ~~of such meeting~~ to all members at least three days before the meeting. The notice shall state the time, place and purpose of the meeting, and no business shall be considered unless specified in the notice. (Upon unanimous consent of all members present at such meeting, any of the provision of the section may be waived.)

Section 4: Mailing Notification List

The Commission staff shall keep current a notification mailing list of all interested parties. Any ~~meeting agenda changes notices to Commission members~~ shall ~~also~~ be addressed to parties on the is notification list.

Section 5: Absence from Meetings

Each member shall be responsible for notifying the Heritage Preservation Commission staff if he / she must be absent from a regularly scheduled meeting, indicating the reason for the necessary absence. ~~Staff shall then submit this information to the chair at the beginning of each meeting. The chair may excuse members from meetings due to personal or work-related conflicts. In the event a member is absent from three regular meetings during the course of a year, unless excused by the chair of the Commission, the chair shall recommend that the Mayor request the resignation of such member from the Commission.~~

Section 6: Quorum

The powers of the Commission shall be vested in the commissioners thereof in office at any one time; a majority of whom shall constitute a quorum for all purposes, but a lesser number may adjourn a meeting from time to time until a quorum is obtained. When a quorum is present, action may be taken by the Commission upon a vote a majority of the commissioners voting except an otherwise proved for in these by-laws.

Section 7: Manner of Voting

The voting on all questions coming before the commission may be a voice vote called for by the chair. The vote shall be entered upon the minutes of each meeting. The chair and all members of the commission present shall be entitled to vote. A roll call on any questions before the Commission may be taken upon the demand of one or more members of the Commission. A commissioner need not vote on all questions, but may abstain from voting. An abstaining vote shall be accompanied by a statement of the reasons therefore.

Section 8: Minutes

Commission staff shall keep action minutes which record the votes and the actions taken by the Commission of all meetings of the Commission. After approval by the Commission, these records shall be placed on the Commission's website, as a public record. Audio recordings of all proceedings of the Commission shall be maintained by City staff. For any Commission action appealed to City Council, the minutes from that action item shall be transcribed and sent to City Council as part of the review packet.

Article V: Committees

Section 1: ~~Standing~~ Committees

The Commission may establish ~~standing~~ committees from time to time which shall concentrate their study in given areas and shall be kept informed by the staff of studies and other matters relating to this area. The ~~chair of the~~ Commission shall appoint the members of the committee, including the chair by simple majority vote. Such committees will be dissolved when their specific assignment is completed.

Section 2: ~~Special~~ Committees

~~Committees with a specific assignment may from time to time be established upon the suggestion of the Commission or by the chair with approval of the Commission. The chair shall appoint such committees and the chair. Such committees will be dissolved when their specific assignment is completed.~~

Section 32: Executive Committee.

An Executive Committee shall be comprised of the officers of the Commission and the chairs of all the standing committees. It ~~may shall~~ meet periodically to review potential issues affecting the activities of the Heritage Preservation Commission and to consider the Commission's future direction.

Section 43: Design Review Committee

A Design Review Committee shall be comprised of a minimum of ~~five~~ three members of the Heritage Preservation commission. At least one member shall be a professionally registered architect. The committee ~~shall may~~ meet periodically as requested by the full Commission to review building and other permit ~~applications for major work and for minor~~

~~work not approved by staff.~~ The committee shall make recommendations to the full commission regarding ~~disposition of~~ these permit applications.

Article VI: Rules of Policy and Procedure

Section 1: Rules of Policy and Procedure

The Commission shall establish rules of policy and procedure as necessary.

Section 2: Parliamentary Authority

The rules in the current edition of ROBERTS RULES OF ORDER – Newly Revised shall govern the commission in all cases to which they are not inconsistent with the by-laws and any special rules of procedure the Commission may adopt.

Section 3: Conflicts of Interest

Commissioners shall follow the procedures described in Chapter 100 of the Saint Paul Administrative Code, City Committees – Conflicts of Interest ~~whenever a commissioner's discharge of official duties would require an action or decision substantially affection his or her financial interests or those of a business with which the commissioner is associated.~~

Article VII: Amendment

These by-laws and rules of procedure may be amended at any regular meeting of the Commission provided that the proposed amendment shall have been mailed sent to the Commission members at least five days before action is taken thereon.

Adopted: ~~July 14, 1988~~