

CITY OF LEAVENWORTH PRESERVATION COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

Wednesday, October 2, 2019 6:00 PM

The Leavenworth Preservation Commission met Wednesday, October 2, 2019. Chairman Rik Jackson called the meeting to order. Other commissioners present were: Ed Otto, Ken Bower, John Karrasch, Sherry Hines Whitson, Debi Denney and Dick Gibson. Also present for the meeting were Planning Director Julie Hurley, City Planner Jacquelyn Porter and Administrative Assistant Michelle Baragary.

Chairman Jackson noted a quorum was present and called for a motion to accept the minutes from September 4, 2019 as presented. Mr. Bower moved to accept the minutes with corrections, seconded by Mr. Gibson and approved by a vote of 7-0.

OLD BUSINESS

1. 2018-12 LPC – 202 POTTAWATOMIE

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

Chairman Jackson called for the staff report.

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

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

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

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

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

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

May 2019. The Leavenworth Preservation Commission again reviewed the property at their June 12, 2019 meeting where the owner indicated that he had not been awarded a grant for the project, and that he would continue to work on it using his own funds. The Commission voted to grant an extension until the October 2, 2019 LPC meeting for the owner to complete repairs.

As of this date, the property owner has completed all repairs necessary to remove the property from the list of structures eligible for demolition. The owner did not pull any permits for the repairs that have been done to the interior or exterior of the structure. There still exist a number of minor property maintenance violations, which are being addressed through standard Code Enforcement activity.

REQUIRED REVIEWS:

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

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

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

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

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

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

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

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

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

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

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

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

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

The building is proposed to be demolished.

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

No known significant archeological resources exist for preservation.

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

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

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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

ACTION/OPTIONS:

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

Chairman Jackson asked the property owner if he could briefly describe the repairs that have been completed on the exterior of the building.

Mr. Rickey Giles Jr., property owner, stated he requested staff send him an updated list of required repairs and he never received it. The list he has is dated June 2018. Mr. Giles further stated the house has been painted, a front door added, new veranda, roof, replaced windows, cellar and cellar stairs. Electrical and plumbing has also been done. Added an electrical outlet to the veranda and a motion light on the west side of the house. Mr. Giles stated he has been maintaining the upkeep of the yard and mowed the lawn by himself.

Mr. Giles stated a lot of progress has been made on the house. He further commented that at the last meeting staff said nothing had been done. Mr. Giles stated he was appalled that the commissioners did not step up and say anything to staff at the last meeting.

Mr. Giles then stated there used to be a hole on the south side of the house. He purchased siding from Home Depot and replaced that area and any other area that needed repair. He stated he has done a lot.

Mr. Jackson stated he does not appreciate Mr. Giles' inferences that the commission has not tried to contact him or work with him.

Mr. Giles responded by stating he works two jobs and he updated the gutters. Mr. Giles stated he is not here to argue but to state the facts. An updated form was requested and staff provided him with a copy of the Remediation Agreement dated June 2018, which lists all needed repairs.

Ms. Hurley stated after the last meeting in June, Mr. Giles sent a letter to the City Commissioners and City Manager stating he did not want staff from her office to contact him in any regard because staff was rude and mean to him.

Mr. Giles stated there were two women that were rude to him. He further stated he is still appalled that the commissioners stated at the June meeting that he had not done anything to the house. His neighbors can see what he has done and he is getting praise from everyone in his neighborhood.

Mr. Giles further stated he is the only one working on the house. He only gets 3 days out of the month to work on it. He contracted out what he could not do, like the veranda doors. He has the doors but has not installed them. Mr. Giles further stated if you go in that neighborhood, it's like a 1970's income neighborhood. Not too many people can put the veranda up and do all this other stuff.

Ms. Hurley stated she could probably save some time by repeating what staff had stated at the beginning of the meeting, which Mr. Giles did not hear because he arrived late. Staff recommends the property be removed from the demolition list because it no longer meets the criteria for demolition.

Mr. Giles stated the only reason his house was on the demolition list was because the fire caused the veranda to lean a little bit. He further stated that at one of the City Commission meetings, it was stated his house is only on the demolition list so he will not be cited for violations. He would rather receive citations so he knows what to do. The only dangerous structure was the veranda, which is why he fixed that.

Mr. Jackson asked Mr. Giles if he would prefer the commissioners not to take a vote and have the property remain on the demolition list or would he prefer to listen to the rest of the dialogue so the commission may help him move this forward.

Mr. Giles responded that he respects everyone here but does not respect someone telling him he has not done anything when he has been constantly working on this house for the past 2 years.

Mr. Jackson said the board is and has been trying to help Mr. Giles get to where he needs to be in order to have the subject property removed from the demolition list.

Mr. Giles stated he is trying to get way past this. He wants to do it so he does not have to do it over again. He had to put up boards and paint to appease the city. He did not get to do it his way. (Inaudible)...he likes the wood smooth and painted. He wants it done to perfection. This is just one person doing the work and paying for it all.

Mr. Bower reminded everyone that at previous meetings the commission made several statements cheering for Mr. Giles. Tonight the commission is applauding Mr. Giles for a job well done. Mr. Bower further asked if Mr. Giles is aware of the property maintenance issues that need to be addressed. He asked if Mr. Giles has received a letter from the city about the shed and the illegally parked vehicle.

Mr. Giles responded that he has received the violation notices. He further stated he wishes the commissioners would have applauded him from the start.

Mr. Bower repeated that the property maintenance issues need to be taken care of because that will not come to this board to be handled. Also, the City has informed the board that no building permits were pulled.

Mr. Giles (inaudible)...stated the City needs to send him his mail. He believes the City is sending it to his father who is Rickey Giles Sr. Mr. Giles said the mail needs to go to Lansing, KS.

Administrative Assistant Michelle Baragary asked Mr. Giles what his address is.

Mr. Giles responded the City already has it from when there was a dispute about the sidewalk.

Mr. Bower asked for clarification that the communication from the City for the property maintenance issues are going to Mr. Giles and that he is receiving them.

Mr. Giles responded in the affirmative.

Mr. Otto stated it is his opinion the board has supported Mr. Giles several times.

Mr. Giles stated he never said the board was not supporting him. He stated he saw a letter that stated he had not done anything.

For clarification, Mr. Karrasch stated that letter was from back in June and up to June, Mr. Giles really had not made any progress on the exterior which was visual. Since June, Mr. Giles has done a fantastic job and the board is commending him on that.

With no further questions or comments, Chairman Jackson called for a motion. Mr. Otto moved to recommend to the City Commission that the property at 202 Pottawatomie be removed from the demolition list, seconded by Ms. Whitson and passed by a unanimous vote of 7-0.

Chairman Jackson called for the next item on the agenda.

Ms. Hurley stated there are two Minor Certificate of Appropriateness included in the packet for the board's information.

With no further discussion, Chairman Jackson called for a motion to adjourn. Mr. Karrasch moved to adjourn, seconded by Ms. Whitson and approved by a vote of 7-0.

Meeting was adjourned at 6:27 p.m.

JH:mb