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PLANNING, ZONING AND BUILDING SAFETY

**Public Health,
Housing Inspections &
Inspection Services**

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator
Steven Boka, Community Development Director

From: Jim Rudisill, Planning & CD Coordinator

Date: October 15, 2012

Re: **Muscatine Historic Preservation Commission Ordinance Amendment**

INTRODUCTION:

The Muscatine City Council approved the third and final reading of an ordinance amendment establishing the Muscatine Historic Preservation Commission (MHPC) on September 21, 2000. Among other provisions, the amendment created a commission composed of seven members who each served three years. In compliance with state law, the individuals recommended for appointment to the commission by the mayor were required to "demonstrate a positive interest in historic preservation; should be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation and landscape architecture or related disciplines to the extent that such professions are available; and may include other persons as have demonstrated special interest, experience or knowledge in history, architecture or related disciplines."

Because of the special requirement for potential members to have a demonstrated interest or training in historic preservation or related field, the pool of applicants for openings on the MHPC can be more restrictive than for other city commission/board openings. In addition, the relatively short three-year term of a commission member causes frequent turnover. When coupled with the city's policy of not allowing individuals to serve more than two consecutive terms, the potential for rapid membership turnover and inability to fill vacancies can occur.

That situation has happened this year. Because of resignations, the commission has been unable to fill two positions. That has hampered the MHPC in fulfilling its duties. Ten regular or special

meetings have been scheduled this year, but because a quorum was not present, as of October 15, only five of those scheduled meetings have been held.

BACKGROUND/RECOMMENDATION:

The State Historical Society of Iowa has reported there is no requirement that historic preservation commissions have seven members or be appointed for three-year terms. Based on the number of members who did attend MHPC meetings this year, a quorum would have been present at all ten of the scheduled meetings if the membership had been five instead of seven.

The city staff has developed a proposed ordinance amendment, which has been reviewed by city attorney Matt Brick, which would reduce the membership of the Muscatine Historic Preservation Commission from seven to five. The proposed amendment would also increase the term of each commission member from three to five years. To provide for staggered terms, two current members would have their existing terms extended so that the term of one commission member will expire each year over a five-year period. The proposed amendment would also require all future applicants and members to live within the city limits.

BACKUP INFORMATION:

- 1. Proposed ordinance with changes**

Title 2 – Boards and Commissions
Chapter 11 – Historic Preservation Commission

SECTIONS:

- 2-11-1 Purpose
- 2-11-2 Definitions
- 2-11-3 Muscatine Historic Preservation Commission
- 2-11-4 Appointment and Terms
- 2-11-5 Removal/Vacancies
- 2-11-6 Qualifications
- 2-11-7 Compensation
- 2-11-8 Chairperson and Secretary
- 2-11-9 Meetings and Quorum
- 2-11-10 Responsibilities and Duties

2-11-1 Purpose. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance; safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance; stabilize and improve property values; foster pride in the legacy of beauty and achievements of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided; strengthen the economy of the city; and promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

2-11-2 Definitions.

A. "Commission" means the Muscatine Historic Preservation Commission, as established by this ordinance.

B. "Historic District" means an area which contains a significant portion of archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and 1) embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 2) is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or 3) possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area; or 4) is associated with the lives of persons significant in our past; or 5) has yielded, or may be likely to yield, information important in prehistory or history.

C. "Historic Site" means an archaeological or historic site, object, structure or building which 1) is associated with events that have made a significant contribution to the broad patterns of our history; or 2) is associated with the lives of persons significant in our past; or 3) embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 4) has yielded, or may be likely to yield, information important in prehistory or history.

2-11-3 Muscatine Historic Preservation Commission. There is hereby created and organized

the Muscatine Historic Preservation Commission to be appointed as hereinafter provided with duties and responsibilities as set forth in this Chapter.

2-11-4 Appointment and Terms. The Commission shall consist of seven ~~(7)~~ **five (5)** members to be appointed **on a gender-balanced basis**, by the Mayor, with the approval of the Council. The term of office of such members shall commence with their appointment. **Appointments will be staggered, with one member appointed on July 1 of each year over a five-year period.** ~~two (2) of which members shall be appointed for a term to expire on July 1, 2001, two (2) of which members shall be appointed for a term to expire on July 1, 2002 and three (3) of which shall be appointed for a term to expire on July 1, 2003. Thereafter, each member shall be appointed for a term of three (3) years.~~ **All terms shall be for five (5) years.** All members of the Commission shall remain on the Commission until their successors are appointed. No one individual shall serve for more than two (2) full consecutive terms on the Commission. **All members shall serve their current term, although members whose terms expire on July 1, 2013 may have their terms extended.**

2-11-5 Removal/Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-11-6 Qualifications. Members shall demonstrate a positive interest in historic preservation; should be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent that such professions are available; and may include other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. **All members shall be residents of the City of Muscatine. Any member who establishes a permanent and primary residence outside of the City of Muscatine shall no longer be eligible to serve on the commission. This section shall not apply to anyone currently serving on the commission, although such a member shall not be eligible for reappointment.**

2-11-7 Compensation. The members of the Commission shall serve without compensation.

2-11-8 Chairperson and Secretary. The Commission shall elect a Chairperson who shall preside over all Commission meetings. The City Administrator or his/her designee shall serve as secretary who shall be responsible for maintaining written records of the Commission's proceedings.

2-11-9 Meetings and Quorum. The Commission shall meet at least three (3) times a year and a simple majority of the Commission shall constitute a quorum for the transaction of business.

2-11-10 Responsibilities and Duties. The Commission may do the following:

- A. Conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this ordinance, proceed at its own initiative or upon a petition from any person, group, or association, and shall maintain records of all studies and inventories for public use.
- B. Make a recommendation to Council to recommend to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
- C. Investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
- D. Accept unconditional gifts and donations of real and personal property, including

money, for the purpose of historic preservation.

E. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.

F. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.

G. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

H. Contract with the approval of the Council, with the state or the federal government or other organizations.

I. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

J. Provide information for the purpose of historic preservation to the Council.

K. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.