

Whitewater Landmarks Commission  
Wednesday, March 7, 2012 - 5 PM  
City Manager's Conference Room  
312 Whitewater Street, Whitewater, WI 53190

**CALL TO ORDER**

- I. Call to Order and roll call
- II. Approval of agenda and possible rearrangement
- III. Approval of minutes of January 4 and February 1, 2012.
- IV. Set date and time of next meeting - Wednesday, April 4, 2011 - 5 PM
- V. Hear Citizen Comments: No formal Landmarks Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Commission discusses that particular item.

**REPORTS**

- VI. Report from the Friends of the Mounds - FOTEM (Helmick)
  - A. Oak Openings Workshop on Saturday, February 11, 2012
  - B. FOTEM meeting on February 18, 2012
  - C. Offer to Parks and Rec Board to plant native species around sign
  - D. FOTEM Newsletter - February 2012
- VII. Update on James and Ella Rockefeller House (Christ)
- VIII. Update on restoration of Passenger Depot (Marshall)
- IX. Update on Starin Park Historic Neighborhood Assn (Helmick)
- X. Update on Walking Tour Brochure (Wendt)
- XI. Update on Birge Fountain (Loomer)
  - A. Donation of Julius Birge's papers
  - B. Lighting and snow shoveling
- XII. Update on Landmarks Commission annual report to the Wisconsin Historical Society
- XIII. Update on Historical and Archeological Month (May 2012) Events
  - A. Mounds Tour May 5 & 26th (Helmick)
  - B. Downtown Whitewater and Walking Tour (Helmick)
  - C. Posters (Christ)
  - D. TV Infomercial (Christ)
  - E. Library Display (Loomer & Scott)
  - F. Reception at City Hall
    1. Invitations (Marshall & Wendt)
    2. Program
  - G. Proclamation at City Hall
- XIV. Update on Local Landmarks/Main Street Historic District Brochures (Loomer & Marshall)
- XV. Update on Resolution delegating management and control of Effigy Mounds Preserve to the Parks and Rec Board
- XVI. Update on Whitewater Effigy Mounds Preserve Preservation and Maintenance Plan

**UNFINISHED BUSINESS**

- XVII. Status of exterior maintenance of Nelson Salisbury House - 404 W. North (Christ)
- XVIII. Status of City Council Process on Fence Encroachments at the Effigy Mounds Preserve (Scott)
- XIX. Status of FREE LIBRARY history panel for White Memorial Library (Scott)
- XX. Status of Title 17 Amendment - Certificate of Approval for public/private property (COA) - (Scott)
- XXI. Implementing 17.08.040 of Title 17 re city-owned historically significant personal property.

**NEW BUSINESS**

- XXII. Petition for rescission of landmark designation for Nelson Salisbury House - 404 W. North (Christ)
- XXIII. Vacancies on Landmarks Commission

**FUTURE AGENDA ITEMS**

- XXIV. Future designations of city-owned properties as local landmarks
- XXV. Certified Local Government Grants (July 2012)
- XXVI. Plaques for Whitewater sites on the National Register of Historic Places

**ADJOURNMENT**

- XXVII. Call to Adjourn

## WHITEWATER LANDMARKS COMMISSION MINUTES

City Manager's Conference Room  
312 Whitewater Street, Whitewater, WI 53190  
Wednesday, January 4, 2012 - 5 PM

### CALL TO ORDER

- I. Call to Order and roll call  
At 5:05 P.M. Chair Christ called the monthly meeting of the Whitewater Landmarks Commission to order in the City Manager's Conference Room of the Whitewater Municipal Building. Roll call was taken. Members present: Carol Christ, Richard Helmick, Linda Loomer, Alan Marshall, Mariann Scott (arrived at 5:10). Members absent: Marilyn Kienbaum, Nancy Wendt. Guests present: Latisha Birkeland, Neighborhood Services Director.
- II. Approval of agenda and possible rearrangement  
Marshall moved the agenda be amended to move item XI, XII and XIV forward to follow item V. Helmick seconded the amended agenda. Vote taken. AYES: Christ, Helmick, Loomer, Marshall. NOES: None. Absent: Kienbaum, Scott, Wendt. Agenda approved as amended.
- III. Approval of minutes of September 15, 2011 and October 5, 2011  
Secretary Scott reported the November 2, 2011 minutes have not been completed. Due to a communication error the December minutes were not sent to commissioners for review. Postponed approval to February meeting.
- IV. Set date of next meeting - Wednesday, February 1 at 5 P.M.
- V. Hear Citizen Comments:  
Landmarks commissioners and Birkeland explained their respective duties and discussed ways they can cooperate. Birkeland is interested in helping with the new historical brochures that are planned by providing up-to-date maps.
- XI. Update on Guide to Whitewater's Historic Landmarks and Main Street Historic District (Christ)  
Loomer and Marshall volunteered to review the current Local Landmarks brochure. Discuss need for a new map with Birkeland.
- XII. Update on Walking Tour brochure (Wendt)  
No report because Wendt absent.
- XIV. Status of the exterior maintenance of the Nelson Salisbury House - 404 W. North St. (Christ)  
Christ gave information to Birkeland regarding the exterior maintenance problems with this Local Landmark and the commissioner reviewed Title 17.12.050 Maintenance. Birkeland plans to follow up on the needed repairs and will email Christ with a status report.

### REPORTS

- VI. Report from the Friends of the Effigy Mounds (Helmick)
  - A. Helmick and Christ will attend the annual Friends of Aztalan dinner meeting on January 28th at the Hoard Museum.
  - B. An initial investigation of intaglio is being planned. Depending on his results a scientific study would follow. Funds would need to be raised at that time. Scott reported an oral history report from Jack Cummings. He remembers noticing as a young teen what looked like a recently (in the last few years) dug trench in that area.
  - C. Christ plans to issue the next FOTEM newsletter at the end of January and will inquire about having the newsletter posted on the Whitewater Banner.
- VII. Update on James and Ella Rockefeller (Christ)  
Christ showed a binder containing a DVD and all the DOT photos and documents pertaining to the Rockefeller House. The binder will be stored in the City Clerk's office.
- VIII. Update on Effigy Mounds Preserve panel & brochure for Hoard Museum (Helmick)  
Helmick reported the panels are now on display in the *Mystery of the Mounds* exhibit at the Hoard Museum. Six of the commissioners attended the reception on December 15th. Everyone is pleased with their appearance.
- IX. Update on restoration of the Passenger Depot (Marshall)  
Marshall said nothing to report at this time.
- X. Update on upcoming Starin Park Historic Neighborhood Assn. meeting - Jan. 16th (Helmick)  
No report.

- XIII. Report Historical & Archaeological Month (May) Planning Sub-committee (Christ, Helmick, Scott)  
Plans include a Thank You reception in City Hall - May 3rd (room reserved by Scott), display at Young library for May 1st-31st (large display case reserved by Helmick), guided tours at Effigy Mounds Preserve - May 5th & May 26th, city proclamation, tapes of past historic tours on cable station.

#### **UNFINISHED BUSINESS**

- XV. Status of City Council process on Fence Encroachments at Effigy Mounds Preserve (Scott)  
Scott reported the encroachments will be on the January 17th meeting of the city council.
- XVI. Add information re: the *Prairie Tillers* Mural to the Kiernan Yasko House nomination papers (Scott)  
Marshall moved and Scott seconded adding a line to the nomination papers stating that Caryl Yasko painted the *Prairie Tillers* mural and when it was painted.
- XVII. Update on the FREE LIBRARY history panel for White Memorial Building (Scott)  
Scott plans to contact Nedra of Image Branding First, Inc., of Fort Atkinson to find the approximate cost of the panel.
- XVIII. Status of Title 17 Amendment - Certificate of Approval for public/private property (COA) - (Scott)  
No report.
- XIX. Update on Birge Fountain Vandalism (Loomer)  
Loomer reported the Birge Fountain committee sent an article to the media publicizing the vandalism and asking for help from citizens to apprehend the vandals.
- XX. Status of certificates for new and existing Local Landmarks (Helmick)  
Helmick showed copies of proposed certificates. Commissioners are interested in giving this kind of recognition to our Local Landmarks and their owners.
- XXI. Implementing Title 17 re: city owned historically significant personal property  
Christ and Scott will plan a meeting with the City Clerk to discuss this topic.

#### **NEW BUSINESS**

- XXII. Discuss plans for meeting Ho-chunk tribal leaders on January 18th (Helmick)  
Christ, Helmick and Scott plan to attend the Wisconsin Inter-Tribal Repatriation Committee (WITRC) monthly meeting which is in Baraboo. They have been invited to present information about the current status of the Whitewater Effigy Mounds Preserve.
- XXIII. Develop a Thank You card for people who are supportive of preservation in Whitewater (Helmick)  
Helmick showed examples which were well received by the commissioners.

#### **FUTURE AGENDA ITEMS**

- XXIV. Possible Local Landmarks/Historic District/Historic Property Designations  
A. Leon Pescheret House  
B. Vivian Henderson's House  
C. UWW Stone Pillars & Starin Park Pillars
- XXV. Certified Local Government Grants (July 2012)
- XXVI. Plaques for Whitewater sites on the National Register of Historic Places
- XXVII. Call to Adjourn  
Chair Christ adjourned the meeting at 6:45 P.M.

Respectfully submitted,  
Mariann Scott, Secretary

**WHITEWATER LANDMARKS COMMISSION  
ANNUAL PRESERVATION ACTIVITIES REPORT  
(January – December, 2011)**

The City of Whitewater Landmarks Commission met 12 times between January, 2011 and December, 2011. The number and types of requests are as follows:

Addition: 0  
Chimneys and Tuckpointing : 0  
Demolitions: 1  
Fences and retaining walls: 0  
Garage repair/construction: 0  
Gutters/fascia/soffit: Handrails and Porches: 0  
Local Landmark Designations: 1  
Ramps/Sidewalks/Steps/Driveways: 0  
Roof Repair: 0  
Signs and miscellaneous items: 1  
Siding: 0  
Windows and Doors: 0

The Commission currently monitors 19 individually listed Landmarks as well as the Main Street Historic District. In 2008, the Commission reviewed and accepted the Architectural and Historic Survey of City of Whitewater properties.

In 2011, the Landmarks Commission hosted a tour of the Effigy Mounds Preserve, which are a local Landmark. a Walking Tour of the Local Churches, a Birge Fountain Maid of the Mist Presentation, Rededication of the White Memorial Building Free Library (Local Landmark). held a two-hour training with Landmarks Commission to review the local Landmarks Commission ordinance. the Commission created informational panels in the “Mystery of the Mounds” exhibit at the Hoard Museum in Fort Atkinson, Wisconsin and hosted “Myths and Facts about the National Register of Historical Places – a presentation by Daina Penkiunas of the Wisconsin Historical Society, and a Historical District Presentation in February, 2011.

**Looking ahead to 2012, the Whitewater Landmarks Commission is planning:**

\*In May of 2012, plans for a reception for owners of Landmark property in the City and preservation-oriented citizens active in local historical preservation, and to educate citizenry regarding Landmarks Commission and their historic preservation efforts in Whitewater.

\*Host two tours of the Whitewater Effigy Mounds Preserve.

\*Do an education display at the Irvin L. Young Memorial Library.

ORDINANCE NO. \_\_\_\_\_  
ORDINANCE AMENDING TITLE 17 LANDMARKS COMMISSION ORDINANCE  
TO PROVIDE FOR A CERTIFICATE OF APPROPRIATENESS  
(09-14-11 – 2:30 p.m. Draft)

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

Section 1. Whitewater Municipal Code Section 17.04.020 Definitions is hereby amended by adding the following:

- (9) “Certificate of Appropriateness” means the certificate issued by the Commission approving exterior alteration, rehabilitation, restoration, construction, reconstruction or demolition concerning a landmark structure, landmark site or site in a Historic District.

Section 2. Whitewater Municipal Code Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040 and 17.16.050 are hereby amended to read as follows:

**17.16.010 Building permit and Certificate of Appropriateness - -Required.**

No person shall alter, reconstruct, move or permit any alteration of any exterior or reconstruction or movement of any exterior portion of any landmark or landmark site or any property within an historic district unless the commission has approved such work by the issuance of a Certificate of Appropriateness. The building inspector shall not issue a building permit for such work if the Commission has not approved a Certificate of Appropriateness for the work.

**17.16.020 Building permit and Certificate of Appropriateness - -Application- - Referral to commission.**

Any party that submits an application for a building permit involving the exterior of a property that has been designated as a landmark or landmark site or is in a historic district shall file with the application for a building permit an application for a Certificate of Appropriateness. Within two weeks of receipt of an application for the building permit and application for a Certificate of Appropriateness, the building inspector shall refer such applications to the commission.

**17.16.030 ~~Building permit~~ - -Certificate of Appropriateness- - Determination by commission.**

Upon the filing of an application for a Certificate of Appropriateness, the commission shall determine whether the proposed work would destroy or deleteriously affect any feature of the landmark, landmark site, or historic district or be out of harmony with the external appearance of the site.

**17.16.40 ~~Building permit~~ Certificate of Appropriateness- - Issuance procedure.**

The commission shall within thirty days of referral of the application to the Landmarks Commission, report to the building inspector either that the ~~permit is Certificate of Appropriateness has~~ been denied or that the commission ~~has no objection to the issuance of the permit~~ has issued a Certificate of Appropriateness. The commission may attach certain conditions to the ~~approval of the request~~ Certificate of Appropriateness. Review of denial of ~~permits~~ Certificates of Appropriateness shall lie with the Common Council pursuant to this code and the Wisconsin Statutes. The applicant may appeal the decision to the Common Council for its determination.

**17.16.50 ~~Building permit~~ Certificate of Appropriateness- - Denial- - Commission assistance to applicant.**

In addition, if the commission fails to approve an application for a Certificate of Appropriateness, it shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain approval within the guidelines of this title.

Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

\_\_\_\_\_  
Kevin Brunner, City Manager

ABSENT:

ADOPTED:

\_\_\_\_\_  
Michele R. Smith, City Clerk

# BULLDOG INVESTMENTS, LLC

N6927 Greenleaf Court  
Elkhorn, WI 53121  
262-742-4972

February 7, 2012

Landmark Commission  
c/o Michele Smith  
City of Whitewater Municipal Building  
Whitewater, WI 53190

RE: 404 W. North Street, Whitewater, WI 53190

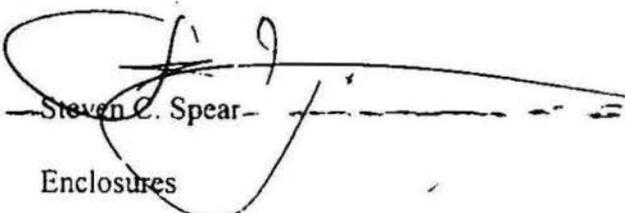
Landmark Commission:

Enclosed please find for the Commission's consideration a Petition and Affidavit.

Please note that in the event we are unable to find a buyer, our intent is to return the property to a Fraternity/Sorority House.

Should you have any questions or comments, please do not hesitate to contact me.

BULLDOG INVESTMENTS LLC



Steven C. Spear

Enclosures

Cc: Wallace K. McDonell (via e-mail only)

---

IN RE:

404 West North Street  
Whitewater, WI 53190

---

PETITION

---

PLEASE TAKE NOTICE that Bulldog Investments LLC, owner of 404 West North Street, Whitewater, WI 53190, pursuant to City Ordinance 17.12.040 included below, and the attached affidavit, petitions the commission for rescission of the landmark designation of the above property.

**17.12.040 Rescission of landmark designation.**

(a) If the person listed as owner of record of a landmark site at the time of its designation is unable to find a buyer willing to preserve the landmark or landmark site, such person may petition the commission for a rescission of its designation. Such petition shall contain an affidavit under oath that the person has made reasonable attempts in good faith to find and attract such a buyer, as well as such further information deemed reasonably necessary by the commission for the purpose of evaluating the petition.

(b) Following the filing of such petition, the owner and the commission shall work together for up to six months to try to locate a buyer for the subject property who is willing to comply with the designation. If at the end of six months no such buyer can be found, and if the owner still desires to obtain such rescission, the commission shall rescind its designation of the subject property.

(c) In the event of rescission, the commission shall notify the city clerk, building inspector and assessor of same, and shall cause the rescission to be recorded at city expense in the Walworth County register of deeds.

(d) Following any such rescission, the commission may not redesignate the subject property as a landmark or landmark site for at least five years from the date of rescission unless requested by the owner.

(Ord. 999 §1(3)(b)(13), 1982).

Date this 7<sup>th</sup> day of February, 2012.

By

  
Steven C. Spear, Member  
Bulldog Investments LLC

IN RE:

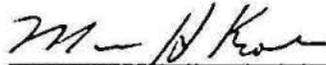
404 West North Street  
Whitewater, WI 53190

AFFIDAVIT

STATE OF WISCONSIN  
WALWORTH COUNTY

MARVIN H. KROHN, being sworn, states:

1. I am a realtor with Tincer Realty, Whitewater, Wisconsin.
2. Tincer Realty has had a listing contract to sell the above property since May 5, 2010.
3. Tincer Realty has had no less than 14 showings of the property.
4. Tincer Realty had obtained one offer to purchase that did not close.
5. Tincer Realty believes it currently has an interested buyer who would like to preserve the premises; however, no offer to purchase has been made.



MARVIN H. KROHN

Signed and sworn to before me  
On February 6, 2012



Notary Public, State of Wisconsin  
My commission expires: PERMANENT