

**\*\*EXCERPT\*\***  
**SUMMARY MINUTES OF THE HERITAGE PRESERVATION COMMISSION**  
CITY OF SAINT PAUL, MINNESOTA  
Lower Level – Room 41, City Hall/Court House, 15 West Kellogg Boulevard  
**May 22, 2014**

---

**Present:** Richard Dana, Robert Ferguson, Matt Hill, Renee Hutter, Michael Justin, Bill Lightner, Diane Trout-Oertel

**Absent:** Barbara Bezat (excused), Matt Mazanec (excused), Amy Meller (excused), David Riehle (excused), Steve Trimble (excused), David Wagner (excused)

**Staff Present:** Amy Spong, Christine Boulware, Bill Dermody, John Beaty

---

**PUBLIC HEARING/DESIGN REVIEW**

- I. **Call to Order** 5:03pm
- II. **Approval of the Agenda** Commissioner Justin moved to approve the agenda; Commissioner Trout-Oertel seconded the motion. The motion passed unanimously.
- III. **Conflicts of Interest** None were stated.
- IV. **Chair's Announcements**
- V. **Staff Announcements**
- VI. **Public Hearing/Permit Review**

**B. 1173 Davern Street, William & Catherine Davern Farmhouse - Heritage Preservation Site**, by Allan Czaia, City of Saint Paul Public Works, for a permit to construct a new, 5 ft. wide city sidewalk along the east side of the site at the curb and street edge. **File #14-023** (Spong, 266-6714)

Staff read aloud the report recommending conditional approval of the application for a permit to construct a new, 5-foot wide city sidewalk along the east side of the site and the curb and street edge (west side of Davern Street).

Staff presented photos and visual materials of the proposal and site.

Commissioner Trout-Oertel requested clarification on the condition regarding the angles on the sidewalks; Ms. Spong replied that the condition is meant as an encouragement to minimize the angles and to not add any more. Ms. Spong noted that she approves of the current drawing.

Chair Dana requested confirmation that staff is assuming that there is no need for a retaining wall; Ms. Spong confirmed.

Commissioner Ferguson submitted a minor grammar correction to staff.

Commissioner Hutter requested confirmation on the directional descriptions of the site and proposal; Ms. Spong confirmed that the proposal is for the west side of the street, which is on the east side of the historic property.

Chair Dana requested clarification on the City Council process; Ms. Spong confirmed that City Council will need to approve the assessment.

Allan Czaia, from the City of Saint Paul Department of Public Works, was present to discuss the application.

Mr. Czaia discussed the project, described the reason for choosing the configuration proposed, and discussed the process.

Chair Dana requested that Mr. Czaia discuss what has changed from the past drawing to the current drawing; Mr. Czaia described the changes and noted that they were slight.

Chair Dana requested confirmation that the placement of the sidewalk against the curb is not usual in a residential area; Mr. Czaia confirmed that it is not typical, but is the most effective configuration for this specific site condition.

Commissioner Trout-Oertel referenced the sidewalk being installed through the driveway; Mr. Czaia described the reason for this configuration.

Commissioner Trout-Oertel requested confirmation that the sidewalk will stop at the apron; Mr. Czaia confirmed.

Commissioner Trout-Oertel suggested that all snow plowed from the street will end up on the sidewalk; Mr. Czaia agreed and noted that it is not ideal, but necessary for this configuration.

Ms. Spong requested clarification that if a traditional boulevard were installed it would result in the loss of 4-6 trees; Mr. Czaia confirmed and described the related site conditions.

Chair Dana inquired as to if there are fire hydrants on the other side of the street; Mr. Czaia was not sure, but noted that there are power poles and other problematic site conditions.

Mr. Czaia discussed the possible locations and configurations for a retaining wall in the proposal.

Chair Dana requested confirmation on the location of the existing traffic sign; Mr. Czaia confirmed and noted that the existing traffic light will be moved slightly.

Chair Dana addressed the potential retaining walls; Mr. Czaia noted that the maximum slope will be 20 feet.

Commissioner Trout-Oertel noted the driveway on the north side of the property and existing jogs and inquired as to if there is a potential problem with running the sidewalk on the curb across the whole property; Mr. Czaia discussed the potentially problematic elements of this area and the potential solutions and noted that this will be related to a separate property.

Brian Alton (attorney) and Jeanne Foussard (the homeowner of 1173 Davern Street) were present to speak in opposition to the construction of a sidewalk at the William & Catherine Davern Farmhouse site.

Mr. Alton referenced several standards from the Secretary of the Interior's Standards for Rehabilitation and stated that the proposal to construct a sidewalk does not comply and should not be permitted.

Mr. Alton addressed the practical concerns for the construction of the sidewalk and stated that the Heritage Preservation Commission should not take this into consideration.

Ms. Foussard addressed the safety concerns of this street, described the process that has taken place previous to this application being proposed, discussed the impact on the site, discussed potential liability concerns as the homeowner, and described the economic impacts.

Chair Dana requested clarification of the 33-feet of the property that extended into the right-of-way at Davern Street that Mr. Alton referenced; Mr. Alton stated that this measurement is from a 1950s description and noted an easement for the property.

Chair Dana requested confirmation that if the proposal were for the east side of the street that it would not fall under the review for this property; Mr. Alton confirmed.

Commissioner Lightner requested clarification on the width of the sidewalk shown in the landscape drawing; Ms. Foussard noted that the referenced portion is the property line and not the sidewalk.

Richard Strimling, a resident of 1151 Davern Street, was present to discuss the proposal and suggested that the sidewalk be installed on the east side of the street as a mitigation tool for the student pedestrian traffic.

Ms. Spong and Chair Dana responded that Mr. Strimling should give the same testimony at the City Council Public Hearing for the assessment.

Kristin O'Brien, a resident of 1672 Pinehurst Avenue, was present to speak in opposition of the proposal and suggested that the possibility of installing the sidewalk on the east side of the street be further explored.

Staff read aloud a letter from Kathleen Young, a resident of 1725 Graham Avenue Apt. 215, in support of the proposal.

Staff read aloud a letter from Gar Hargens in opposition of the proposal.

Commissioner Lightner inquired to Mr. Czaia as to how many trees will be lost in the proposal; Mr. Czaia stated the intention is to retain as many as possible, but could not provide a final number.

Commissioner Lightner requested confirmation that the line, as proposed now, will not go through any trees; Mr. Czaia confirmed.

**The public hearing was closed.**

**Commissioner Trout-Oertel moved to deny the application.**

Commissioner Trout-Oertel discussed the staff findings, the existing site conditions, and the historic nature of the property in relation to the denial of the application.

**Commissioner Ferguson seconded the motion.**

Commissioner Trout-Oertel identified the findings related to the motion as: No.1 as written, No. 2 as written except the last sentence, No. 3 stricken, No. 4 with the last

sentence to read that “it will impact”, No. 5 to read “it will have an adverse impact”.

Commissioner Hutter stated that she does not believe that the installation of the sidewalk will adversely impact the site and discussed the safety concerns addressed by the public and the city. She noted that the safety concerns do not fall under the review of the HPC.

Commissioner Lightner agreed with Commissioner Hutter and stated that the deer fence on the property has greater negative impacts to the historic nature of the property. He noted that the sidewalk would not negatively impact the site and stated support of the staff findings.

Commissioner Ferguson stated that he is most persuaded by the potential loss of the trees as a negative impact to the historic character of the site.

Commissioner Lightner inquired of Commissioner Ferguson if he believes that the installation of the concrete would have a negative impact; Commissioner Ferguson replied that he does not and reiterated the concern for the loss of trees.

Commissioner Hutter noted that the removal of the trees is not a final proposal and stated that the Commission should not base a decision on the potential loss.

Commissioner Hill requested clarification of the procedure for the City Council; Ms. Spong replied that the order has been laid over for the HPC decision and that the City Council Public Hearing has been moved to June 4<sup>th</sup>.

Commissioner Hill noted that he is not in favor or against the motion and noted concerns of the process.

Commissioner Justin stated that the Commission should look at the proposal within a broader context of the entire site considering the accumulation of alterations.

Chair Dana addressed Commissioner Hill’s concerns and stated that the Commission is only reviewing whether the sidewalk is appropriate for the site and discussed the possibility of appeal by the applicant or the homeowners for the HPC decision or the City Council decision.

Ms. Spong clarified the language for appeal of an HPC decision.

Commissioner Trout-Oertel stated belief that the installation of the sidewalk distracts from the historic nature of the site as it is an urban feature.

**The motion passed 3-2 (Lightner, Hutter) with one abstention (Hill).**

## **VII. Motion to Adjourn 7:23 pm**

Submitted by R.Cohn