

Whitewater Landmarks Commission  
Wednesday, February 1, 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 November 2, 2011, December 7, 2011 and January 4, 2012.
- IV. Set date and time of next meeting - Wednesday, March 7, 2012 - 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. Friends of Aztalan Annual Dinner Meeting on January 28th at Hoard Museum
  - B. Report on meeting with Tribal Heritage Preservation Officers on 1/17/2012 in Baraboo.
  - C. FOTEM newsletter
  - D. FOTEM meeting 2/18/2012 10 AM at Starin Park Community Building
- 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 Meeting - Jan. 16 (Helmick)
- X. Update on Walking Tour Brochure (Wendt)
- XI. Update on Prairie Tiller's mural information for Kiernan Yasko House nomination papers (Helmick)

**REPORTS OF SPECIAL COMMITTEES**

- XII. Historical and Archeological Month (May 2012) Planning Committee (Scott, Helmick, Christ)
  - A. Mounds Tour May 5 & 26th
  - B. Downtown Whitewater and Walking Tour
  - C. Posters
  - D. TV Infomercial
  - E. Library Display
  - F. Reception at City Hall
  - G. Proclamation at City Hall
- XIII. Local Landmarks/Main Street Historic District Brochures Committee (Loomer & Marshall)

**UNFINISHED BUSINESS**

- XIV. Status of exterior maintenance of Nelson Salisbury House - 404 W. North (Christ)
- XV. Status of City Council Process on Fence Encroachments at the Effigy Mounds Preserve (Scott)
- XVI. Discussion on meeting with Tribal Heritage Preservation Officers on 1/17/2012 in Baraboo.
- XVII. Status of FREE LIBRARY history panel for White Memorial Library (Scott)
- XVIII. Status of Title 17 Amendment - Certificate of Approval for public/private property (COA) - (Scott)
- XIX. Implementing 17.08.040 of Title 17 re city-owned historically significant personal property.

**NEW BUSINESS**

- XX. Discuss which city-owned properties might be designated as local landmarks

**FUTURE AGENDA ITEMS**

- XXI. Certified Local Government Grants (July 2012)
- XXII. Plaques for Whitewater sites on the National Register of Historic Places

**ADJOURNMENT**

- XXIII. Call to Adjourn

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

## ARCHAEOLOGY

### Preservation of Wisconsin Archaeological Sites

It is estimated that nearly 80% of the archaeological sites that once existed in the state have been destroyed or severely damaged, primarily by modern land practices such as development and farming. Many sites have also been damaged by looting.

#### Laws and Statutes

##### Federal Projects

Section 106 of the National Historical Preservation Act of 1966, As Amended requires federal agencies to insure that their actions (grants, funding, permits, activities such as highway building, etc.) do not adversely affect archaeological sites in or eligible for the National Register of Historic Places. For more information on the protection of archaeological sites during federal projects contact Compliance Archaeologist Sherman Banker.

##### State Projects

Archaeological sites can be protected during the course of state agency activities (grants, funding, permits, ground disturbing projects) if the sites have been recorded with the Office of the State Archaeologist. See Section 44.40 Wisconsin Statutes. For more information contact Compliance Coordinator Chip Brown.

##### Political Subdivision Projects

Archaeological site may be protected during the course of village, city, county and other political subdivision projects (e.g. building, road construction, etc.) but only if the site is listed on the National/State Register of Historic Places. See Section 44.43 Wisconsin Statutes. For more information contact Compliance Coordinator Chip Brown.

##### Burial Sites

All human burial sites, including cemeteries and Indian mounds, are protected under state law Section 157.70 (Wisconsin Statutes). The law applies to both public and private lands. Owners of burial sites may receive property tax exemptions. The law is administered by the WHS Burial Sites Program.

##### Rock Art Sites

Destruction and vandalism of ancient rock art sites listed in the National Register of Historic Places without landowner permission is a felony under Section 943.01 Wisconsin Statutes.

##### Public Lands

Federal Lands: It is illegal to remove artifacts or otherwise disturb

archaeological sites on federal lands without a permit under the Archaeological Resource Protection Act of 1979. Federal lands in Wisconsin include National Forests, National Parks, and federal trust lands such as Indian Reservations.

State Lands: It is illegal to remove artifacts or otherwise disturb archaeological sites on state or political subdivision (village, city, county) lands without a permit under The Field Archaeology Act Section 44.47 Wisconsin Statutes. The law applies to both archaeological sites on public lands and submerged sites such as shipwrecks on publicly-owned bottomlands under lakes and rivers. Permits to work on public land are administered by the Office of the State Archaeologist. Contact John Broihahn.

#### Tax Incentives

As an incentive for private landowners to protect archaeological sites on their lands, the state offers a property tax exemption if the landowner formally agrees to protect the site. See Property Tax Exemptions for Archaeological Sites.

#### Local Preservation Efforts

Significant Archaeological sites in your community may be protected by special community landmarks ordinance. Contact your local landmarks commission.