CERTIFICATION OF PUBLICATION:
Omaha Preservation Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, October 27, 2011, notice re: Landmarks Heritage Preservation Commission meeting, November 9, 2011.

MEMBERS PRESENT: Albert Macchietto, Acting Chair
                John Schleicher
                Eduardo Santamaria
                Nicholas Hogan
                Gregory Mahloch
                Nancy Novak
                Jose Garcia

MEMBER(S) NOT PRESENT: Douglas Bisson, Chair
                        Peggy Jones

OTHERS PRESENT: Mike Leonard, LHPC Administrator
                Jo Cavel, Law Department
                RoseMarie Horvath, Law Department
                Debbie Hightower, Recording Secretary

Mr. Albert Macchietto, Acting Chair, called the meeting to order at 1:30 pm, introduced the Commission members, as well as the staff. Mr. Macchietto explained the procedures for hearing the cases. Roll was taken with seven members present.

APPROVAL OF MINUTES:
Mr. Santamaria moved to APPROVE the August 10, 2011 meeting minutes as written. Mr. Mahloch seconded the motion.

AYES: Schleicher, Santamaria, Hogan, Mahloch, Novak, Garcia, Macchietto

MOTION CARRIED: 7-0

CASES:

RESCISSION OF LANDMARK DESIGNATION:

Case #H6-11-11
Richard W. Brown
Florence Historical Foundation
PO Box 12331 Florence Station
Omaha, NE 68112

REQUEST: Request for rescission of Landmark Designation; Kierle House

LOCATION: 3017 Mormon Street
At the Landmarks Heritage Preservation Commission meeting held on Wednesday, November 9, 2011, Richard Brown, Vice President, Florence Historical Foundation, appeared before the Commission in support of the request. Mr. Brown introduced other board members. He stated that as of February 2011, Uta Halee no longer leases the Kierle House from the Florence Historical Foundation. Mr. Brown explained that the vast majority of the board members are getting older and physically can no longer maintain the property. The Foundation also owns and maintains six other properties that are beneficial to the Florence community but no longer have a use for the Kierle House. The Florence Historical Foundation members discussed and voted 12-1 to sell the Kierle House with Bruce Hamilton dissenting and two abstentions. Mr. Brown stated that appraisals were obtained from two local real estate companies for $132,000 and $148,000. Both real estate companies indicated that the property would require $100-150,000 in renovations. The money from the sale of the property would be very beneficial to the Foundation.

Mr. Brown stated that Mr. Hamilton advised the Florence Historical Foundation that the Kierle House was designated as a landmark, but the Florence Historical Foundation was not initially made aware of this designation. A majority of the current members were on the Board at the time of the landmark designation. Verification was received in a letter from Mike Leonard, Administrator of the Landmarks Heritage Preservation Commission, that the Kierle House was designated as a landmark (Case #H1-97-4). Mr. Brown stated that after researching the minutes of the board, the designation was discussed, but was never proposed or voted on by any board member. Mr. Brown indicated that due to section 24-62 (Consent of Property Owners Required-A Landmark Heritage District may be designated as such, only if at least 51% of the included property owners concur such a designation). He stated that the Kierle House was fraudulently listed and put on the landmark list by an individual and not by a 51% vote of the board.

Mr. Brown stated there is no record of the Florence Historical Foundation receiving notification of the original landmark designation.

Mr. Brown stated that the Kierle House was shown to several potential buyers who indicated that the home needed too many repairs. Other potential buyers were interested until it was discovered that the residence was on the Landmark Registry and the restrictions of the requirements associated with a landmark.

Mr. Brown stated that in May 2011 he spoke with Mr. Leonard concerning the rescission of the landmark status. At that time, Mr. Leonard indicated that a formal request had to be submitted. Mr. Brown stated that in July 2011 a formal request was prepared and twelve packets were later submitted for the Commission.

Mr. Brown stated that the property has been offered to St. Phillip Neri Church for $110,000 but he is not sure what the church plans on doing with the property. The representatives from the church were concerned about the levels of asbestos and lead, as well as the Landmark status. He indicated that if the request to rescind the landmark designation were denied, the Kierle House would be listed on the market with the landmark designation.

Mr. Mahloch asked Mr. Brown if the Foundation had a contract with St. Philip Neri Church for the sale of the Kierle House. Mr. Brown answered that the church is trying to raise funds for the purchase. Mr. Mahloch asked Mr. Brown how much the Florence Historical Foundation paid for the property. Mr. Brown answered that the Foundation did not pay anything for the property but over $127,000 has been put into the property.

Mr. Rick Quistad, Florence Historical Foundation, appeared before the Commission in support of the request. He stated that he is a resident of the community and the request to rescind the landmark status, in order to sell the Kierle House, is painful and emotional. Mr. Wiksted stated that several real estate professionals have advised the Board that various compliances would have to be met to make the property marketable for a buyer. He stated that he did not want the property to be torn down.
Ms. Rosemary Allen, Florence Historical Foundation, appeared before the Commission in support of the request. Ms. Allen stated that she personally knew Ms. Kierle and Ms. Kierle would not have wanted the Florence Historical Foundation to be straddled with an albatross. She stated she does not understand why the Kierle House was ever listed as a landmark—there is nothing historic about the house. The house is not architecturally historic, the inside is nothing more than an ordinary house, it is no mansion, and it only has one bathroom upstairs. Ms. Allen stated that unfortunately it would be too costly to make the house ADA acceptable. She explained how the property has been broken into and vandalized as well as the cost for the repairs to preserve the property. Ms. Allen indicated that if the property is not rescinded, there is a chance of losing the Florence Bank Museum, which is on the National Registry and other properties such as the Depot Museum.

Mr. Paul Nelson, Landmarks Inc., appeared before the Commission in opposition to the request. He stated Landmarks’ mission is to advocate the preservation of built history in Omaha. Mr. Nelson explained that if the landmark designation were removed, there would be no way to protect the house from being torn down. In 2007, the City of Omaha, in partnership with the State Historical Society, identified and highlighted the Kierle House as an eligible and contributing property to the proposed Historic District. The Kierle House is obviously a big piece of built history within the Florence Community.

Mr. Nelson explained the importance of preservation and working with the Neighborhood Associations to educate the public and organize events. He indicated that Landmarks, Inc. would like to be a partner with the Florence Historical Foundation to utilize the tools that exist within the community. Landmarks, Inc. offered to host and promote a large-scale tour of the property and earmark all proceeds of the tour to the house for repairs.

Mr. Nelson expressed his concern regarding the perception of the Florence Historical Foundation and related preservation groups with regard to removing a landmark designation. The group could pull together with various people within the community to support the house. Mr. Nelson submitted recent photos of the interior of the house (Exhibit 2) to illustrate the historical significance. Several other attempts in the past have been made to rescind properties from the historical list but have not been successful. The landmark designation does not have to get in the way of a real estate transaction. Mr. Nelson advised the Foundation that he might have a buyer for the Kierle House who would keep the landmark status intact. Mr. Nelson requested that the Commission layover the case to allow time to study alternatives, discuss other options and locate potential buyers.

John Carter, 6902 North 31st Street, appeared before the Commission in opposition to the request. Mr. Carter stated that he is a resident of North Omaha and lives 20 blocks south of the Kierle House. He referred to an original letter dated July 22, 1994, which was sent to the Florence Historical Foundation from Samuel Clark, personal representative of the Maude Kierle Estate. The letter indicated that Ms. Kierle wished for her real estate and a significant amount of her personal property to be incorporated into a historical monument to her family and the lives and people of the Florence area. Ms. Kierle turned over ownership of the Kierle House to the Florence Historical Foundation, who then formed a Kierle Restoration Committee to restore the house. Mr. Carter explained that in the summer of 1995, a volunteer group of 64 restored the interior and worked to restore the grounds. In conclusion, Mr. Carter stated that there are people interested in the house and there has to be a way to preserve the house and keep the historical status.

Mike Jensen, Vice President, Wyman Heights Neighborhood Association, appeared before the Commission in opposition to the request. Mr. Jensen explained the significance and uniqueness of Florence area in relation to North Omaha. He requested that the Commission research the original request for landmark status and asked for further investigation. Mr. Jensen explained that the Florence Historical Foundation received the Kierle House as a gift therefore the property could be turned over to someone else who is willing to take care of the property.
Dr. Thomas Kuhlman, 3650 Burt Street, appeared before the Commission in opposition to the request. Dr. Kuhlman gave a brief history of his life in Omaha and stated that he maintains an interest and a love for the Ponca and Florence area. He stated he is a specialist in American Architecture with a Master’s and Doctorial degree in American Civilization with a concentration in American Architectural History. Dr. Kuhlman indicated that the Kierle House is architecturally significant. There are two important kinds of architecture; high architecture and vernacular architecture. He stated that vernacular architecture is an American experience and must be recognized and honored, especially when it contributes to a particular neighborhood or place. Dr. Kuhlman explained the historical significance of “Historic Florence” and how the Kierle House fits in with other historical structures in the area. He stated the strength and integrity of Florence would be significantly affected if the landmark designation were removed.

Mele Mason, President of North Omaha Commercial Club and a member of the Florence Historical Foundation, appeared before the Commission in opposition to the request. Ms. Mason thanked the Florence Historical Foundation for all their hard work in restoring Florence. She indicated that she also has a potential buyer who is interested in the Kierle House and preserving it as a landmark. Ms. Mason stated she is concerned that St. Phillip Neri Church may have other plans for the Kierle House. She suggested that the Foundation take the time to find potential buyers that will keep the landmark status.

Bruce Hamilton, member of Florence Historical Foundation, appeared before the Commission in opposition to the request. Mr. Hamilton stated he was the Committee Chairman for the restoration on the Kierle House in 1995. Mr. Hamilton offered to answer any questions.

Maggie Jones, 432 North 38th Street, appeared before the Commission in opposition to the request. Ms. Jones indicated that this issue is about the community. There are many individuals who are interested in buying and restoring historical properties. Ms. Jones stated that not only is the Kierle House architecturally important to the community, but also the Kierle’s have history in the Florence area. She further explained the Kierle family business and their influence on the Florence community. Furthermore, the Kierle family were the only people who lived in the Kierle House. Ms. Jones requested that the case be laid over.

Paulette Genthon, 8702 North 30 Street, appeared before the Commission in opposition to the request. Ms. Genthon indicated that she owns the old Florence Building located near 30th and Clay Street. Ms. Genthon asked the Commission to consider granting more time to find someone to rescue the house.

Mr. Hogan questioned the amount to gain on the sale of the house by rescinding the Historic designation. Mr. Brown reiterated that two realtors recently suggested listing the home for $148,000 and $132,000 but both realtors indicated that $110,000 would be more realistic. Several prospective buyers were not interested because the house was a Historic Landmark or it was too much work to restore the residence. Mr. Brown stated that in 1994, St. Phillip Neri Church initially offered $60,000 for the Kierle House but the board turned it down and decided to make the house beneficial to the community. He stated that the church still shows interest and the house has been offered to the church for $110,000. The church’s financial committee is currently attempting to raise the funds to purchase the house. Mr. Brown explained that if the church does not purchase the Kierle House, the Florence Historical Foundation will list it “as is” for $148,000.

Doug Rose appeared before the Commission in opposition to the request. Mr. Rose stated that he has been a local businessperson for 35 years and a parishioner at St. Phillip Neri Church. Mr. Rose questioned whether there is anyone that believes that by rescinding the landmark designation that it would guarantee the Kierle House would not be torn down.

Shirley Ferris, Treasurer, Florence Historical Foundation, appeared before the Commission. Ms. Ferris questioned if a new owner would be required to follow the rules and regulations of the landmark designation and how could someone afford to follow the regulations for a Historic Landmark.
Mr. Schleicher questioned the intent of Ms. Kierle’s will. Ms. Allen stated that the will states, “If the Florence Historical Foundation feels that it cannot financially accept the house, then the house would go to Trinity Lutheran Church.”

Mr. Santamaria asked Mr. Leonard for insight regarding the historical nomination, specifically who nominated the Kierle House. Mr. Leonard responded that there is a case file that indicates the designation went through a process to nominate the house. There are three primary criteria for nominating a house - architectural, cultural, and geographical. The Kierle House is located in a National Historic District. Mr. Leonard stated that house has substantiated data to support the nomination. The original applicant was the Florence Historical Foundation and Bruce Hamilton signed the application.

Mr. Brown responded that an individual and not the Florence Historical Foundation requested the Historic designation therefore he felt that the nomination was fraudulent.

Mary Louise Buckwalter, former member of the Florence Historical Foundation, appeared before the Commission. Ms. Buckwalter stated that she was a board member at the time of the original application and she recalled a discussion among the Florence Historical Foundation board members regarding the landmark designation. She stated that the Florence Historical Foundation board voted for the landmark designation and proceeded with the application process. Ms. Buckwalter could not confirm if these discussions were in the minutes.

Mr. Macchietto indicated that it is not relevant as to how the house received the Historic designation.

Mr. Santamaria explained how the Commission serves the community. He addressed members of the Florence Historical Foundation who were present and praised them for their hard work in preserving landmarks. Mr. Santamaria noted that his part in the community is to serve on the board and to listen to the community at large. He stated that this is the first time he has witnessed the willingness of the opposition to work with the applicant. He expressed the importance of maintaining landmarks for the community and future generations and the need to work together to exhaust all possibilities for the Kierle House. Mr. Santamaria concluded by saying that his children have never walked into a house or touched a wood carving in a home like the Kierle House that was previously referred as “ordinary” or “common”.

Mr. (unknown) stated that he senses a deep sense of anxiety that seems to underlie the need to sell the Kierle House. He questioned if the Florence Historical Foundation is in financial danger. Ms. Ferris answered that the main purpose of the Foundation is to not lose what they have. The money that the Foundation has is invested and the Kierle House is just an extra place.

Mr. Macchietto confirmed with Mr. Brown that the Kierle House has never been listed. Mr. Macchietto then briefly explained a tax incentive program for the property as a possible incentive for a buyer. Improvements on the home could qualify and the property tax can be frozen at the current level for eight years and stepped up by 25% for the next four years. The designation could be seen as an incentive and not as an anchor. He stated that the general sense is that there will not be support for the request and the recommendation would be to test the waters and make a good faith effort to sell the property “as is” with the designation in hand.

Ms. Allen asked if the windows could be boarded up in an effort to prevent vandalism. Mr. Leonard answered that it would be acceptable to board the windows. Mr. Nelson asked the members of the Florence Historical Foundation to show the Kierle House without boarded windows, as it would send a negative message to potential buyers.

Mr. Macchietto asked if the Kierle House has an active alarm system. Ms. Ferris answered that there is an existing alarm system but that they would have to install a telephone in order to reactivate it.

Mr. Macchietto suggested that all interested parties work together to sell the house in the near future. Mr.
Santamaria asked Mr. Leonard how the city could facilitate and coordinate the efforts of the two parties to come together and reach a solution. Mr. Leonard answered that the city can commit to being an advocate for the two parties involved.

Mr. Brown indicated that he would be willing to work with others to achieve a solution. He stated that the intent is to sell the Kierle House with or without the landmark status. The President of the Florence Historical Foundation explained that it is difficult for the Board to maintain multiple properties with a decreasing amount of members. The Florence Historical Foundation can no longer afford the upkeep of the Kierle House.

Mr. Mahloch moved to LAYOVER to allow the applicant time to explore other alternatives. Mr. Santamaria seconded the motion.

AYES: Santamaria, Hogan, Mahloch, Novak, Garcia, Schleicher, Macchietto

MOTION CARRIED: 7-0

DISCUSSION:

Mr. Leonard stated that there is many design issues occurring in the Old Market without Certificates of Approval including the fans at Havana Cigars. Mr. Leonard indicated that he would address the issue, update the Old Market Historic District list and revise a letter that will be sent to business owners regarding this same situation where improvements are being done without a Certificate of Approval. Mr. Leonard agreed to add language to the letter advising property owners to make tenants aware of the issue.

Mr. Leonard wanted to clarify Mr. Brown’s statement regarding the timeline with the Kierle House application. Mr. Leonard stated the LHPC works in a timely fashion with all applications to meet a deadline.

It was the consensus of the Commission to ADJOURN the meeting at pm.