

**Statement of Legal Action**  
**City of Sedona**  
**Historic Preservation Commission Meeting**  
**Vultee Conference Room, Sedona City Hall, Sedona, AZ**  
**Monday, April 8, 2013 – 4:00 pm**

**(15 minutes, 4:00 - 4:15 pm for items 1 - 3)**

**1. Verification of notice, call to order, roll call and Pledge of Allegiance.**

Chairman Unger called the meeting to order at 4:00 p.m.

**Roll Call:**

**Commissioners:** Chairman Brynn Burkee Unger, Vice Chairman Allyson Holmes and Commissioners Catherine Coté, Jane Grams, Ann Jarmusch, Charlie Schudson and Steve Segner

**Staff:** Audree Juhlin, Donna Puckett and Kevin Snyder

**Council Liaison:** Councilor Dan McIlroy

**2. Public forum for items not on agenda. Limit of 3 minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public.)**

*Chairman Unger opened the public forum.*

**John Miller, John Miller Real Estate, Sedona, AZ and Representative for the Brewer Road Ranger Station and Barn:** Reported that there is a possibility that the City may come into title to this. They are negotiating with the City to purchase the building, either through an arm's length purchase or a condemnation. The City has asked him to direct his contact with the Director of Community Development, Kevin Snyder, so the communications between the seller and the buyer are clear and singular and there is no confusion, misunderstanding or miscommunication between the City and the seller, which he agrees with; however, as a citizen, he is pleased and excited that you may have the opportunity to have a dominant role in the future of this property by it being City-owned and a community park potentially. In the alternative, he would love to have the Commission's input, to the extent that if the City does not buy the property, as to what you would like to see if it were in private hands; that would give him a tremendous amount of ammunition in dealing with private purchasers of the property, but there is a conflict, because if he is dealing with you directly, then there may be something construed between the City as the buyer and him as the seller, with your need to know the property, so he has spoken with the client and he has authorized him to give you access to the property at whatever time you want, in whatever manner you want. Catherine Coté has the keys to the two houses. Joann lived in the green house most of her youth, so she has intimate familiarity the property, and if you would like on an individual basis or as a group to visit the property, you have the property owner's permission to do so.

*Having no additional requests to speak, the Chairman closed the public forum.*

**3. Commission and staff announcements and summary of current matters.**

As educational item, the Chairman read the Mission Statement of the State Historic Preservation Office and highlighted the results of a review conducted to determine what the general public thinks the government should do in terms of historic preservation:

- 70% - identify historic properties
- About 65% - provide tax incentives or grants

- Almost 70% - keep and maintain historic properties
- 74% - help educate the public about historic preservation

And, in terms of what makes a building worthy of preservation:

- About 60% - the beauty of the building
- 94% - historical or cultural importance
- 67% - sense of place
- 40% - economic potentials
- 82% - architecture or work
- 77% - age

Commissioner Jarmusch read a thank you note written by Kathy Levin thanking the Commission for her luncheon, and Chairman Unger thanked Commissioner Jarmusch for organizing the luncheon.

*No legal action was taken.*

**4. Presentation/discussion on relocating the historical "Telegraph Station" from a private property located outside the City limits to the City's Jordan Historical Park located at 735 Jordan Road (15 minutes, 4:15 - 4:30 pm)**

**Ron Maassen, Sedona Historical Society, Sedona, AZ:** Discussed that one of the buildings on the original movie set in West Sedona still exists in the Red Rock Loop area. The building was constructed for use in John Wayne's first movie, "*Angel and the Bad Man*" filmed in 1946 and most of it was filmed in Sedona, some on the set and some in the Chapel area. Mr. Maassen indicated that the owner has agreed to donate the building to the Sedona Historical Society, so they are doing some of the demolition on some of the added exterior portions. The structure has a 16' x 21' footprint and Mr. Maassen circulated handouts showing pictures of the building. He then discussed the history of the building, its current condition and construction features of wire nails, full dimension rough-cut 2x4's and noted that the Forest Service Products Lab made the first recommendation on 1 $\frac{5}{8}$  x 3 $\frac{5}{8}$  in 1922, so they have aged it from between 1890 and the 1920's. They hope to move it in one piece to the Jordan Historical Park location, and they will need minimal lighting for display purposes, but basically no plumbing.

Mr. Maassen also provided copies of a press release that will be appearing in the Sedona Red Rock News and Sedona Monthly and circulated an aerial and drawing of where it is proposed to be located on the site, in addition to interior and exterior photographs. They have prepared a drawing of the interior showing how they would replicate the condition they believe it was in around 1946, and they plan to start a fundraising campaign in the near future.

Mr. Maassen then expressed his confusion about the City's process, and indicated that they are not proposing that they give the building to the City; they would retain it as an exhibit, as they have done with the tent house. They City would not be responsible for maintenance and he told the City Manager and people on the tour that there would be four things that they wanted from the City:

- A Police escort during the move,
- A waiver of any fees,
- An expedited approval process, and
- The City's use of their influence with APS and the cable company in assisting in the lowering and dropping of lines that may be impacted by the move.

They are not asking for any money from the City, and if they can't accomplish it through fundraising and grants, then maybe it doesn't deserve to be done. They expect the cost to be \$100,000 to pay for the demolition, relocation, restoration and furnishings, and they can use help in identifying the colors, dates, and any historical information.

Chairman Unger explained that it has to go through the City's process and come to the Commission for a Certificate of Appropriateness, before the decision is made. Councilor McIlroy asked if the

City has been approached on this. Audree Juhlin stated yes and explained that staff met with Mr. Maassen and other members of the Historical Society onsite and looked at the building. It will go before City Council on April 23rd to discuss this concept, and the Lease Agreement is something else they are looking into as well.

Mr. Maassen extended an invitation for the Commissioners to tour the property and Chairman Unger explained that the Commission may tour it as a group in one of their meetings. Mr. Maassen suggested that the Commission set a time for a tour in advance, and a discussion of the City's process ensued.

*No legal action was taken.*

**5. Discussion and update on the proposed self-guided "History/Movie Walk". (10 minutes, 4:30 - 4:40 pm)**

Commissioners Segner and Schudson discussed that they aren't having much luck in getting meetings scheduled with Uptown. They also need to talk with the City Engineer and ADOT Engineer, and they will push forward. They have the stand and the concept is easy; they just want to hear the negatives they need to work around.

Councilor McIlroy pointed out that the City owns the highway from L'Auberge to Uptown, so ADOT would not be a player. The Commissioners then discussed the safety aspects of the stand and the Chairman indicated that this item will be agendaized for the next meeting.

The Commissioners noted that they need to partner with Main Street, the Lodging Council and the Chamber, so there is a mechanism to go to commercial sources for partnerships and funding.

*No legal action was taken.*

**6. Discussion and possible action of potential events for May "National Historic Preservation Month". (15 minutes, 4:40 - 4:55 pm)**

Chairman Unger reported that the proclamation has been submitted to go in front of the City Council on April 23rd and Vice Chairman Holmes is going to accept the proclamation, thank the City Council and give an idea of what we are going to be doing that month. Additionally, the Sedona Historical Society is going to do an event for Howard Madole's 90th birthday on May 5th and the Chairman distributed copies of the invitation. Copies of the invitation will also be mailed to the owners of Madole homes by April 20th.

Chairman Unger introduced Lynne Leakey, owner of a Madole home on Kachina, and explained that the Commission was allowed to take pictures and reproduce Ms. Leakey's blueprints, which is the first set we have, and those will be given to the Sedona Historical Society for display at the event.

The Commission also discussed additional activities, including the gifting of the touring centennial quilt to the Sedona Historical Society at the Sedona Heritage Museum. Commissioner Grams will coordinate a date with Ron Maassen and notify staff, and Commissioner Jarmusch will prepare a press release. Another activity will be the dedication of the Dorothy Philips House, and if the owners want to invite their neighbors and put on a spread themselves that is fine. Staff will coordinate a date and invite the Mayor and Council Liaison, and Commissioner Jarmusch will prepare a press release. The Commission discussed possible articles, but decided with the other activities planned for May, the Commission may do something later in the year; however, the Chairman does want to create a letter to the landmark owners to remind them of their responsibilities and the grant program, so that will be discussed in the next meeting for distribution during May and staff will provide copies of previous years' letters for examples.

In summary, the Commission will accept the proclamation, recognize that the Sedona Historical Society is hosting a celebration of Madole's 90th birthday, gift the Sedona touring centennial quilt to the Sedona Historical Society, and dedicate the Dorothy Philips House as an historic landmark. The City now has 27 landmarks.

*No legal action was taken.*

**7. Discussion/possible direction related to the Historic Preservation Small Grant Program. (10 minutes, 4:55 - 5:05 pm)**

The Commission discussed that the grant program may possibly need to be changed to address structures damaged outside of the grant cycle, and the Chairman asked the Commissioners to review the grant online or on the CD and be prepared to discuss it in the next meeting. Chairman Unger indicated that for this year, the City had allocated \$4,000, and Commissioner Segner discussed that for that amount of money with the paperwork, red tape, etc., involved, it should be for emergencies; however, the Chairman noted that there have been six homeowners who landmarked because of the grant program.

This item will be agendaized next month for discussion and staff will attach the grant form as a reminder for the Commissioners to review the program, and staff will verify the balance remaining in the budget. The question was raised as to whether or not any balance could be set aside for the restoration of the Telegraph Station and if the Commission could ask for extra money to give them as our grant for 2013 - 2014. The suggestion of rolling over the fund was also discussed.

Commissioner Jarmusch asked about discussing the Block House and staff explained that the Commission can't do anything until there is a completed application from the homeowner. The Chairman pointed out that the Commission will be discussing the grant program, which includes why it needs to change. The Commissioner then referenced other concerns and staff explained that the presentation in the last meeting on the roles and responsibilities of Commissioners and the Code of Conduct addressed issues such as respect, and just as the presentation given today, any person that comes to speak to this Commission should receive the respect and dignity that you want to receive as a Commissioner, and you should treat each other that way as well. It is a general principle that is not based on one situation; it is something that should take place all the time.

Councilor McIlroy explained that the money the City has comes under penalty of law, taxing it under the coercion of government, so when we give money to the Commission, the bar should be pretty high and it shouldn't be ordinary maintenance. We all maintain our homes, and if someone has an historical home with a leaky roof, that person has a duty to fix the home. We should only give funds in cases of extreme emergency or at a very high bar. He also likes the rollover idea, so if we don't find a worthy cause in this cycle, we roll it over. Staff was asked to find out how the account could be classified, so it could rollover.

*No action was taken.*

**8. Review of current year's budget (2012 - 2013). (5 minutes, 5:05 - 5:10 pm)**

There was no discussion on this item.

**9. Review of Endangered Places Brochure for changes for publication next month. (10 minutes, 5:10 - 5:20 pm)**

The Chairman indicated that the Art Barn is being removed, because it can no longer be declared a landmark, since it has been altered, and nothing else needs to be added to the brochure. Vice Chairman Holmes suggested having the brochures, when she accepts the proclamation, but because of time constraints, the Chairman suggested using the one we have and telling the Council that we are updating it.

*No action was taken.*

**10. Discussion/possible action regarding future meeting dates and future agenda items. (5 minutes, 5:20 - 5:25 pm)**

The Chairman indicated that next month we will have the grant program, history walk, endangered brochure, Historic Preservation Month, and we need to discuss our resource survey. As we get the May dates for the quilt presentation and dedication of the Philips house, send them to Donna and she will notify the Commission and talk with the owners. The Chairman then showed a copy of this year's theme for National Historic Preservation Month -- See! Save! Celebrate! The Chairman then asked the Commissioners to send any dates they are unavailable in the latter half of May to staff for coordination of the Historic Preservation Month's activities.

The Commission's next meeting will be May 13th and one of the events could be on that day.

**11. Adjournment.**

The Chairman called for adjournment at 5:50 p.m., without objection.

Respectfully Submitted,

---

Donna A. S. Puckett, *Recording Secretary*

---

Date