# MANHATTAN/RILEY COUNTY PRESERVATION ALLIANCE NEWSLETTER

MARCH, 2009

# A LETTER FROM OUR PRESIDENT, PAT O'BRIEN

The Manhattan/Riley County Preservation Alliance (M/RCPA) has devoted a great deal of its time and energy to protecting the historic Strasser House at 326 Laramie Street. We can now report that another preservation organization has added its voice in support of the Strasser House. The Kansas Preservation Alliance (KPA), an organization dedicated to preserving historic places in Kansas, has placed the Phillipena Strasser House on its Most Endangered List for 2009.

In a letter to the M/RCPA dated November 24, 2008, the KPA wrote: "After careful consideration by the Board of Directors the Strasser House was chosen as one of the Most Endangered Historic Places. The Board closely looked at need, status, feasibility, and success of each project to determine which of the fifteen nominations would be considered an endangered place. Due to the deterioration of the structure and immediate threat from development, the site has been deemed **an endangered Kansas treasure**." (Emphasis added.)

KPA's invitation to submit candidates to their endangered list suggested that there were to be ten endangered properties listed. As you can see, the list on the right only has nine properties on it. One of the KPA's identified endangered properties has already been lost—a sobering development.

The KPA asked our organization to hold off on publicizing the Strasser House's place on the endangered list until the KPA made its own announcement in a ceremony at the Dillon House in Topeka on February 10, 2009.

The M/RCPA was asked to provide a list of local media outlets so the KPA could send each of them a press release about the Strasser House and their entire endangered list for 2009. It does not appear any of our local media followed through with an article. The Manhattan/Riley County Preservation Alliance deeply appreciates the statewide (if not local) recognition that has been given to the Strasser House and all the other worthy endangered properties.

We remain hopeful that the City of Manhattan will fulfill its obligation to encourage the Strasser House's owner to greenlight its nomination to the National Register of Historic Places and that somehow a viable plan for productive use will be put forward that includes the provision of resources necessary for the building's success. A recent photo of the Strasser House can be found on page 7.

For more detailed information about all of the endangered properties identified by the KPA, Google "Kansas Preservation Alliance 2009 endangered."

On a happier note, I can report that the Houston & Pierre Streets Residential Historic District was listed on the National Register of Historic Places on February 18th, 2009.

# Kansas Preservation Alliance 2009 Most Endangered List

**Greenwood Hotel** Eureka, Kansas

# Chouteau Trading Post, Station, and Post Office Site

Shawnee, Johnson County, Kansas

#### Phillipena Strasser House Manhattan, Kansas

**Churches** Kansas

Sumner School Topeka, Kansas

### Diskau Archeological Site

Vicinity of Riley Riley County, Kansas

#### Parker House Hotel Minneapolis, Kansas

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**Lion Block** Ness City, Kansas

## Stone Arch Bridges Kansas

## House Bill 2083 Kansas Environs Law At Risk

#### BACKGROUND

The Kansas Preservation Act was originally enacted in 1977. The initial legislation declared historic preservation the policy of the state and required the activities of governmental entities which encroached on national or state register properties to be reviewed by the State Historic Preservation Office (SHPO). In 1981 lawmakers widened the law to require review of all projects involving state and National Register properties and their environs which are directly undertaken by a governmental entity or supported by a governmental entity, typically through local building permits or other authorizations. Thus, projects undertaken by individuals, firms, associations, organizations, partnerships, businesses, trusts, corporations or companies became subject to review *if* they required permits. A 1988 amendment further defined the "environs" of historic properties, requiring that the SHPO receive notice of any proposed project within 500 feet of a listed historic property located within the corporate limits of a city or within 1,000 feet of a listed historic property located portion of a county.

The original statute allows for the State Historic Preservation Officer to **comment** on a project in the environs of an historic structure listed on the National Register of Historic Places or the Register of Historic Kansas Places. The SHPO staff evaluates each project based on written *Standards and Guidelines for Evaluating the Effect of Projects on Environs*.

Approval or disapproval of the project is within the authority of the local governing authority (usually city councils or county commissioners). The proposed changes in this statute would eliminate the comments from the State Historic Preservation Officer and would eliminate the ability of local governing authorities to protect the environs of an historic property or district.

## THE BENEFITS OF MEMBERSHIP 2008—2009

\$15 STUDENT Newsletter Education seminars

\$35 MAINTENANCE All of the above benefits

\$100 HISTORICAL
All of the above benefits plus
Invitation to special events

\$250 PRESERVATION
All of the above benefits plus
Invitation (for 2 people) to
Frank Lloyd Wright presentation
and reception, November 7th, at the
Historic Grimes House

\$500 LANDMARK
(\$450 tax-deductible)

All of the above benefits plus

An autographed copy of

The Architects & Buildings of

Manhattan, Kansas

By Dr. Patricia J. O'Brien

# Road Trip To Waterville!

The Weaver Hotel Photo courtesy of Kansas State University College of Architecture, Planning, and Design and Bruce McMillan, AIA, Architects, P.A.



Board member Michael Mecseri has organized a special trip for Preservation Alliance members to Waterville, Kansas, on Saturday, April 18th. We will meet in Manhattan at 8:45 a.m. and plan on setting out for Waterville at 9:00 a.m. The morning will include a special in-depth tour of the Weaver Hotel and of one historic house. After eating lunch in a local restaurant we will tour some stone structures in Blue Rapids. We anticipate arriving back in Manhattan before 5:00 p.m. There is no charge for the tour. Lunch is expected to cost each person less than ten dollars. If carpooling, be prepared to chip in towards transportation expenses. Everyone who participates should have the ability to stand for an hour and to climb stairs. Members who wish to participate should send an email to info@preservemanhattan.org giving names and contact information so we can get an accurate count by April 11th. Those members who do not have access to email may call 785-776-9617 and leave a message. Further information will be given to those who sign up for the tour. This is a wonderful opportunity to see what our near neighbors to the north are doing to preserve their historic resources. Bring your camera and plan to be inspired!

## An Update on Kansas' Environs Law and House Bill 2083 continued from page 2

House Bill 2083 would eliminate the environs review provision of K.S.A. 2008 Supp. 75-2724. Notice would no longer be given to the state historic preservation officer by the state or any political subdivision of the state when the proposed project is located within 500 feet of the boundaries of a historic property within the corporate limits of the city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county.

#### AGENCY RESPONSIBILITIES

Nine of the state's Certified Local Governments (CLG) conduct their own state law reviews: Abilene, Garden City, Hutchinson, Lawrence, Leavenworth, Newton/North Newton, Salina, Topeka, and Wichita. The State Historic Preservation Office is part of the Kansas Historical Society (KHS). It is the responsibility of staff to provide training for CLGs. KHS Staff review projects in all other communities in accordance with state and federal statutes and comment on whether a project would encroach upon or damage an historic structure.

#### PERCEPTION VERSUS REALITY

While it may be perceived that the environs component of the state preservation statute holds up or denies projects within the environs of listed historic properties, statistics show otherwise.

In FY 2008 the KHS reviewed 293 projects under the state preservation law with 107 of these projects focused on listed historic buildings and 186 projects focused on environs reviews. Of these reviews only 5 for listed projects and 12 for environs reviews resulted in comments that determined the project would adversely affect or destroy an historic property. All other reviews resulted in a quick clearance. Most reviews are turned around within less than five working days.

Last year the CLG communities reviewed 525 projects under the state preservation law with 122 of these projects focused on listed historic buildings and 403 on environs reviews. Of these reviews only 3 for listed properties and 3 for environs reviews resulted in comments that determined the project would adversely affect or destroy an historic property. All other reviews resulted in clearance.

Approval or disapproval of the project is within the authority of the local governing authority (usually city councils or county commissioners), not the KHS staff or the CLG preservation committees.

#### **BENEFITS OF ENVIRONS**

#### Preservation:

Hopefully today's current budget woes will be temporary; however, when we lose our heritage, it is permanent. The environs component of the state historic preservation statute has resulted in the preservation of several significant properties across the state that would have otherwise been demolished. A couple of them come readily to mind:

**English Lutheran Church in Lawrence**. This property would have been demolished but for the environs law. It is now listed in the National Register of Historic Places and is considered an asset to the historic built environment that defines that city.

**Kenyon Hall in Emporia**. This is a classic case of the process working while providing education on the benefits of historic preservation. Kenyon Hall was one of the original buildings of the College of Emporia and was within the environs of the Anderson Memorial Library. A local developer wanted to demolish the building and construct some modern [cookie cutter style] apartment buildings for senior housing. In accordance with the Standards, the SHPO determined that this building was a character-defining building within the environs of the old Carnegie Library and stated that its demolition would "encroach upon, damage, or destroy" the environs of the library. The owner appealed the SHPO's determination to the local governing authority – the city, which determined that there was no feasible and prudent alternative to the demolition. The owner could now legally obtain his demolition permit (assuming other city requirements were met). However, during this process the SHPO and another developer that specializes in rehabilitating historic properties worked with the owners and informed them that since Kenyon Hall was also eligible for listing in the National Register that rehabbing the building for senior housing – a doable option – would qualify for the 20% federal rehabilitation tax credit and the 25% state rehabilitation tax credit. The owner is now further investigating this option along with other types of housing tax credits, and the building still stands. While the final fate of Kenyon Hall has yet to be decided, because of the environs law there is a chance that Emporia will retain a significant and visible reminder of their past [while avoiding more cookie cutter housing]. Without the environs law, the property would have been demolished before anyone had the opportunity to inform the owner of the benefits of historic preservation and the financial incentives available to listed properties.

#### **Economic Development:**

Within the past couple of years in Wichita, the properties listed below have been successfully

### An Update on Kansas' Environs Law and House Bill 2083 continued from page 3

rehabilitated. In every instance, the project review was first initiated through the environs process. These buildings were subsequently identified as character-defining resources within the environs of the respective listed properties by the Wichita historic preservation board. With the exception of the Wichita Executive Center, all were determined eligible for listing in the state and National Registers. Armed with this knowledge, the owners worked with the City of Wichita and the SHPO staff to nominate and list the properties in the National Register of Historic Places and/or the Register of Historic Kansas Places. The SHPO then worked with the property owners to see that the building rehabilitations met the Secretary of Interior's *Standards for Rehabilitation* and received the corresponding tax credits.

Brown Building, 105 S. Broadway, listed in state/NR, tax credit project, \$1.4 million invested

Ellis Singleton Building, 221 S. Broadway, listed in state/NR, active tax credit project \$513,00

Kaufman Building, 212 S. Market, listed in state register, tax credit project, \$1,525,500

Farmer's and Banker's District, 200 E First & 202 N Market, listed in state/NR, active tax credit project, \$408,000

Keep Klean Building, 803 E Third, listed in state/NR, tax credit project, \$300,000

Eagle's Lodge # 132, 200 S. Emporia, listed in state/NR, active tax credit project, \$830,000

Mullen Court, 1140-50 N Topeka, listed in state/NR, completed tax credit project, \$3.25 million

Wichita Executive Center, 125 N Market, not eligible for listing \$1.5 million

#### ANALOGY TO THE VARIOUS COVENANTS PROTECTING POPULAR RESIDENTIAL DEVELOPMENT

Developers that are rehabilitating listed historic properties and investing millions of dollars in these projects have mentioned to the SHPO staff that the presence of the environs component of the state historic preservation statute provides some reassurance that their investment in historic downtowns and neighborhoods will be protected through this review process.

#### **ENVIRONS AS SUSTAINABILITY**

Protecting the environs of listed properties promotes reinvesting in older and historic neighborhoods. These neighborhoods contain embodied energy (the ultimate in recycling); the infrastructure is already in place and already paid for. These neighborhoods are typically compact, centrally located, walk-able, and accessible to mass transit.

#### CONCLUSION

It seems the nation is only just now understanding the importance of preserving a historic property's context. Richard Moe, president of the National Trust for Historic Preservation noted this in the fall of 2002: "Today we realize that a historic site should retain a strong connection with its setting so that visitors can appreciate the site's environment as well as its architecture and furnishings . . . . Historic sites don't exist in isolation."

And again in the fall of 2007, Moe states: "There was a time when preservationists devoted their efforts to saving individual historic buildings, often paying little attention to the surroundings in which these landmarks stood. Happily, those days are gone: We've learned the importance of preserving *context*, recognizing that a property's setting – including views to and from the site itself – enhances its significance as a historic artifact and as a tool for understanding the past more fully."

Kansans should be proud that their state had the foresight to recognize the importance of the environs surrounding historic properties over 30 years ago with the enactment of the state preservation statute.

Statistical information courtesy of the Kansas Historical Society

### Eggs & Issues

Dixie West and Linda Glasgow, along with about seventy of their fellow citizens, attended Manhattan's Eggs & Issues breakfast March 7th at the Union Pacific Depot. The breakfast offers an opportunity for citizens to interact with their statehouse representatives.

During the Q & A session Dixie brought up the threat that House Bill 2083 poses to historic neighborhoods in Kansas. "Three years ago the City of Manhattan rezoned and downzoned to protect our older neighborhoods. Removing the environs regulation will jeopardize historic neighborhoods. I'm requesting that if this bill comes before you that you kill it. If it wasn't for Preservation you wouldn't be sitting in this building today. The Depot has been preserved for the greater good of the community. Protecting older neighborhoods through environs review is a greater good for Kansas communities."

Local realtor Loren Pepperd offered to discuss the environs issue with Dixie after the meeting. The opportunity was lost when Mr. Pepperd departed the meeting early.

## Archaeology & Preservation Law

Kansas Archaeology Month (April), prompts us to study the topic.

Federal law requires that prior to construction on a wide variety of projects, potential impacts on archaeological sites be considered. Any project that requires a federal permit, uses federal funds, or is on federal land requires compliance with preservation law, specifically section 106 of the National Historic Preservation Act of 1966. Other laws and regulations have been passed in the years since 1966, producing a detailed set of procedures known as the "Section 106 Process." A summary of Section 106 regulations and their application may be found on the web site of the Advisory Council for Historic Preservation (ACHP) at

www.achp.gov/work106.html.

The Association of Professional Archaeologists of Kansas (PAK) has prepared two basic guides to complying with laws regarding archaeological sites. These are entitled "Getting the Archaeological Green Light for Your Projects" and "Professional Archaeologists: Your Guide to Navigating the Project Clearance Highway". Copies of these useful brochures are available by contacting Dr. Donna C. Roper, PAK Secretary, 1924 Bluehills Road, Manhattan, Kansas 66502-4503 (droper@ksu.edu) or the Kansas Historical Society (KHS), Public Archeologist, 6425 S.W. 6th Topeka, Kansas 66615-1099.

The KHS has also prepared an informational brochure, "Preserving Kansas," aimed at landowners who might find artifacts of prehistoric and historic peoples of Kansas. The brochure urges property owners who find an artifact to contact the Public Archaeologist by calling 785-272-8681 ext. 255; emailing vwulfkuhle@kshs.org; or writing to the KHS address above.

The KHS seeks a partnership with all Kansans in preserving the resources that tell the story of our state's cultural traditions. Their staff can show individuals how to catalogue artifacts they find.

Professional archaeologists are not interested in confiscating collections, interrupting production, or making the location of archaeological sites public information. They instead seek to learn from and collaborate with fellow Kansans interested in our State's cultural history.

The brochure lists some basic steps to assist landowners with managing archaeological sites:

- —Do not permit artifact collecting or digging in archaeological sites on land you own or lease. Discourage buying, selling, and trading of artifacts.
- -Require identification of anyone requesting permission to scientifically investigate sites on your land. Professional archaeologists and their sponsors support this policy of positive identification.
- —Watch for sites when making improvements on your land. A site can be protected by leaving the area uncultivated, using nondestructive clearing methods, or altering planned developments.
- —If you have collected artifacts, catalogue your collection with a map showing where each artifact was found and a list of all objects found together.
- —Join an avocational archaeology organization such as the Kansas Anthropological Association, the Archaeological Association of South Central Kansas, or the Kansas City Archaeological Society.
- —Read about Kansas archaeology in Archaeology of Kansas edited by Robert Hoard and William Banks, University of Kansas Press, Lawrence, 2006; Archeology in Kansas by Dr. Patricia J. O'Brien, Public Education Series No. 9, Museum of Natural History, University of Kansas, Lawrence, 1984; An Introduction to Kansas Ar-

cheology by Waldo R. Wedel. Bulletin No. 174, Bureau of American Ethnology, Smithsonian Institution, Washington, D.C., 1959, (available through interlibrary loan); Central Plains Prehistory by Waldo R. Wedel, University of Nebraska Press, Lincoln, 1986.

- —Designate in leases that pipelines and other land-altering projects avoid archaeological sites. You can enforce "no artifact collecting" terms in all leases.
- —Human remains on public and private lands are protected by the Kansas Unmarked Burial Sites law and the Native American Graves Protection and Repatriation Act. Contact the Kansas Historical Society at 885-272-8681 ext, 268.
- —Investigate United States Department of Agriculture (USDA) Farm Bill programs that benefit or give priority to landowners who enroll. For example, The Conservation Reserve Program of the Department of Agriculture Farm Service Agency, a voluntary, competitive program provides annual rental payments and cost-share assistance to farmers to establish long-term conservation of certain lands. Contact the Natural Resources Conservation Service at 785-823-4551.
- —Protect sites for the future through the Register of Historic Kansas Places and the National Register of Historic Places. These registers recognize prehistoric and historic archaeological properties. This voluntary process proceeds only with the permission of the landowner and does not require discontinuance of traditional land use, public access to the site, or relinquishment of title. Contact the Kansas Historical Society at 785-272-8681 ext 240.
- —Consult a tax attorney to find out if your donation or sale of an easement at a bargain price qualifies as a charitable contribution under federal income tax regulations.

# The Manhattan Archaeological Survey

In 2008 the City of Manhattan was awarded an Historic Preservation Fund grant from the National Park Service to be administered by the Kansas Historical Society (KHS) for an archaeological survey.

Actual archaeological services were subcontracted to Kansas State University under the direction of Dr. Lauren

W. Ritterbush of the Department of Sociology, Anthropology, and Social Work.

The project involves two phases. Phase I, background research, is an archaeological literature search of lands within and immediately surrounding Manhattan. Phase II entails a pedestrian survey of previously recorded sites and selected parcels within the study area.

The Phase I literature search started in January with identification of known archaeological sites. Formal reports

for 102 sites within the study area have been filed with the Cultural Resources Division of the KHS.

This is a relatively large number of records for an area this size, yet it does not include all possible archaeological remains. Many more are known just outside the project area (e.g., 119 sites were recorded in 1952 during a reconnaissance survey prior to construction of Tuttle Creek Reservoir). Many more exist (or once existed) but have not been formally recorded. Others lie buried where they are hard to detect.

Both prehistoric and historic sites are present. Among the latter are the Goodnow House (archaeological excavations were done around the barn in 1991), seven lots identified through historical research to have once had structures (e.g., Pacific Hotel, houses, blacksmith shop) in the area impacted by construction of the KS-177 ramp, the nineteenth century Stillman Cemetery (excavated in 2004; remains re-interred nearby in 2007), a founda-



Dr. Donna Roper and her team at the historic Stillman Cemetery site, 2004.
See page 8 for re-interment information.
Photo Courtesy of the Riley County Historical Society

tion and stone fence outside of town, and four scatters of nineteenth century artifacts.

One early historic Native American site is included. This is the Kaw (Blue Earth) village in southwestern Pottawatomie County occupied by the Kansa Indians in the late eighteenth and early nineteenth centuries.

Among the prehistoric sites are numerous artifact scatters, burial mounds, a possible ossuary, campsites, and farmsteads.

In many cases, very little is known about these sites other than their locations. Where artifacts of known age have been found and reported, it is possible to estimate the general period during which a site was used.

Specific styles of decorated pottery and atlatl and early bow-and-arrow stone points, as well as other artifacts from campsites and burial mounds indicate extensive use of this region ~2000-1000 years ago (Woodland period). Other types of ceramic and stone artifacts were associated with

the scattered farmsteads of later huntergatherer-gardeners 1000-700 years ago (Central Plains tradition). Earlier periods are also represented.

Once information about recorded sites in the Manhattan area is compiled, Phase II of the Manhattan Archeological Survey will begin.

Known sites will be revisited to evaluate their condition. (Many have been destroyed or otherwise impacted since they were originally reported.) Selected areas not yet sur-

veyed will be walked in search of artifacts or other evidence of human use. Resulting data will be reported to the KHS and the City of Manhattan.

This information will inform City and State officials, as well as the general public, about the richness of the archaeological record in and immediately around our City.

The project will also document how municipal expansion and related developments have adversely impacted the irreplaceable record of the many generations that preceded us.

If you know of archaeological remains in or very near Manhattan, please contact Lauren Ritterbush at 785-532-6828 or lritterb@ksu.edu.

## Manhattan Rental Inspection Update

In September 2008, the Manhattan City Commission authorized the creation of a committee charged to craft a draft rental inspection ordinance.

The committee is made up of representatives of specific groups and organizations including, among others, the Manhattan/Riley County Preservation Alliance (M/RCPA).

Dixie West represents the MRCPA. Other committee members are Brice Ebert (Landlords of Manhattan), JoAnne Sutton (Manhattan Housing Authority), Bill Muir (KSU Administration), Mary Roberts (Housing Appeals Board), Regina Schroeder (Landlords of Manhattan), Janelle Reichert (Manhattan Area Chamber of Commerce), Kristin Johnson (Manhattan Association of Realtors), Samantha McGill (KSU student representative), Tim Lindemuth (Manhattan Neighborhood Coalition), Elbert Newman (Ft. Riley Off-Post Housing). City Staff representatives include Lauren Palmer (Assistant City Manager), Brad Claussen (Building Official), Jerry Snyder (Director of Fire Services), Ryan Almes (Fire Marshall), Katie Jackson (Assistant City Attorney), Karen Davis (Director of Community Development), and Larry Hackney (Human Resource Specialist).

The committee first met December 11 and has been meeting regularly since. The first public input forum occurred Wednesday, March 4 at 7:00 p.m. in the City Commission meeting room, City Hall. Linda Glasgow, speaking on behalf of the Preservation Alliance, made a statement in support of mandatory inspections of rental She wanted assurance properties. that the fabric of historic structures would remain intact during the inspection process. The Preservation Alliance believes that mandatory inspections of rental properties are primarily an issue of public safety and that they would provide another level of protection to historic properties and our community's historic neighborhoods that does not currently exist. The Alliance supports an ordinance that is fair to both renters and landlords, but moves the community in a positive direction toward compliance with current code and zoning ordinances.

Although landlords/property managers are represented on the commit-

tee and have been actively involved in the process, the March 4 meeting demonstrated that there is still strong resistance to mandatory inspections. Many landlords attended the March 4 meeting and at least fourteen spoke in opposition. They argued that the current complaint-based system is adequate, that there are only a few "bad" landlords, that the cost of rental inspections will far exceed the proposed \$20 per unit per year, that resulting astronomical costs will be passed on to renters—some of whom are already struggling to pay their rent, and that government regulation will drive small businesses out of Manhattan.

Several neighborhood representatives, KSU students and one current and one retired KSU faculty member spoke in favor of mandatory rental inspections. Those for the inspections cited examples of poor conditions that some KSU students have experienced, that decent, safe housing is an ethical issue, and that with the rental inspection in place the most vulnerable members of our community will be protected. In general, mandatory rental inspections are a reflection of our community's values regarding public safety and taking care of one another and our historic neighborhoods.

The next public meeting will be at a city commission work session March 31 in City Hall. The committee's work is periodically reported in The Manhattan Mercury and copies of agendas and minutes of past meetings can be accessed on Manhattan's website <a href="https://www.ci.manhattan.ks.us">www.ci.manhattan.ks.us</a>. Click on "eServices," then "Archives," and then scroll down until you find the pull-down menus for "Rental Inspection Committee Agendas" and "Rental Inspection Committee Minutes".



Strasser House, March 10, 2009

M/RCPA P.O. Box 1893 Manhattan, KS 66505-1893









## Ceremony at the Stillman Cemetery September 14, 2007

human remains (bones) excavated from the historic Stillman Cemetery (see page 6), located at the present-day Meadowlark Hills Retirement Community in Manhattan, were re-interred with great ceremony and respect after having been studied by anthropology experts at Kansas State University and the University of Arkansas. The new cemetery site is not far from the original burial ground.

Photos courtesy of the Riley County Historical Society