

RESOLUTION NO. 112816-1

A RESOLUTION APPROVING A CERTIFIED LOCAL GOVERNMENT AGREEMENT WITH THE KANSAS STATE PRESERVATION OFFICER

WHEREAS, the City has requested that the State Historic Preservation Officer enter into an agreement to allow the City to make recommendations and to perform statutory responsibilities of the State Historic Preservation Officer;

WHEREAS, the governing body desires to approve a Certified Local Government Agreement ("Agreement") to continue its status as Certified Local Government in order to exercise local control over issues affecting local historic preservation.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

SECTION ONE. Agreement. That the Agreement is hereby adopted as attached hereto as **Exhibit A**.

SECTION TWO. Implementation. The Mayor is hereby authorized to execute the aforementioned Agreement, and the City Manager shall be authorized to enforce the provisions as provided therein and in applicable resolutions, ordinances, and laws.

SECTION THREE. Effective Date. That the effects of this Resolution shall be in full force after its approval by the City Commission.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 28th day of November, 2016.



CITY OF ABILENE, KANSAS

By: *Dee Marshall*
Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC
City Clerk

RECEIVED
DEC 05 2016
CULTURAL RESOURCES

EXHIBIT A

Certified Local Government Agreement

November 28, 2016

**Agreement between the Kansas State Historic Preservation Officer
and City of Abilene, Kansas:
Performance of project reviews under K.S.A. 75-2724, as amended**

Under subsection (e) of K.S.A. 75-2724, as amended, the State Historic Preservation Officer may enter into an agreement authorizing a city or county to make recommendations or to perform certain statutory responsibilities of the State Historic Preservation Officer if the State Historic Preservation Officer determines that the a city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program.

Whereas the City of Abilene, Kansas, hereinafter referred to as the "City," has requested that the State Historic Preservation Officer enter into such an agreement, and whereas the State Historic Preservation Officer has determined that the City meets the requirements of K.S.A. 75-2724 (e), therefore the City and the State Historic Preservation Officer hereby agree to the following terms:


1. The City's historic preservation board, known as the Heritage Commission, hereafter referred to as "Board," shall perform all responsibilities of the State Historic Preservation Officer under K.S.A. 75-2724 (a), (b) and (c) , as amended. For all projects within the City that are required by said statute to be sent to the State Historic Preservation Officer, the Board shall review and make a determination. If a particular professional discipline such as archeology, architecture or history is not represented on the Board, it shall seek professional advice from the State Historic Preservation Officer or locally as needed in that area when reviewing projects under K.S.A. 75-2724 (a). The State Historic Preservation Officer retains the responsibility to review projects affecting or directly involving historic properties owned by the state of Kansas included in the National Register of Historic Places or the Register of Historic Kansas Places.
2. The City shall develop a list of project types proposed for administrative review by the City's preservation planning staff to address minor projects that do not warrant full review by the Board. The City shall submit the list, along with the name(s) of staff designated to perform the reviews, to the State Historic Preservation Officer for approval prior to its adoption. City staff shall not be granted the authority to make the determination that a proposed project will damage or destroy any historic property included on the National Register of Historic Places or the Register of Historic Kansas Places. When such a determination is likely to be made under an administrative review, that project shall be submitted to the Board which shall make the official determination.
3. The Board and City staff shall utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for Rehabilitating Historic Buildings and supplemental guidelines, as needed, as the basis for reviewing all projects. The State Historic Preservation Officer shall approve in advance all other supplemental guidelines utilized. To ensure consistent use and understanding of these Standards and Guidelines, preservation planning staff and preservation Board members shall attend training annually that further their understanding of preservation-related topics and issues. Training may be provided by staff of the State Historic Preservation Office from time to time.
4. The Board or City staff may request the technical assistance of the State Historic Preservation Office for complex projects. The State Historic Preservation Office shall respond with written comments to the Board or City staff upon such request.
5. The Board shall forward its findings and decisions to the State Historic Preservation Officer on a monthly basis or at the time of submission of the minutes of each meeting of the Board, whichever is applicable. If the Board determines that a proposed project will damage or destroy any historic property included on the National Register of Historic Places or the Register of Historic Kansas

Places, the Board shall advise the State Historic Preservation Officer, in writing, of such finding through regularly submitted minutes.

6. Determinations by the Board that a project will damage or destroy any historic property may proceed if appealed by the applicant to the City Commission, for action as provided under subsection (a) of K.S.A. 75-2724. In those instances where the decision of the City Commission is contrary to the findings of the Board, the project shall not proceed until: (1) the City Commission has made a determination that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to such historic property resulting from such use and (2) five days' notice of such determination has been given to the State Historic Preservation Officer as required by K.S.A. 75-2724 (a).
7. This agreement shall be in effect for five years from the date of execution by both parties and shall be renewable for additional five-year terms at the option of both parties.
8. Amendments to this agreement will be in effect upon their signed acceptance by the City and the State Historic Preservation Officer.
9. Either party may terminate this agreement for good cause upon ninety days written notice to the other party.
10. As provided in K.S.A. 75-2724 (e), the State Historic Preservation Officer shall retain final authority to implement the provisions of K.S.A. 75-2724 et seq., as amended. Nothing in this agreement shall be construed as limiting the authority of the State Historic Preservation Officer to investigate, comment, and make determinations otherwise permitted by K.S.A 75-2724.

11/28/10

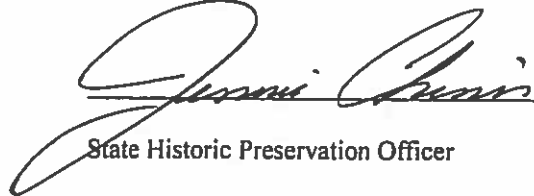
Date



Dee Marshall, Mayor
City of Abilene

12/15/10

Date



State Historic Preservation Officer