

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DODGE

THIRD JUDICIAL DISTRICT

State of Minnesota,
by Kassan Alliance For Restoration, Inc.,

Case Type: Other Civil
Court File No: 20-CV-07-516

Plaintiff,

v.

AFFIDAVIT OF ROBERT C. VOGEL

City of Kasson, a Minnesota
municipal corporation,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF DODGE)

Robert C. Vogel, being first duly sworn on oath, states as follows:

1. I am a historical geographer (M.A., University of Minnesota) with more than twenty-eight years of professional experience in the historic preservation field. Currently, I am the Senior Historian and Managing Partner of Pathfinder CRM, LLC (“Pathfinder”), a cultural resources management consulting firm. Attached as Exhibit A is a true and correct copy of my resume. I meet the Secretary of the Interior’s professional qualifications in History and Architectural History.

2. Throughout my career, I have surveyed thousands of buildings, including schools, to determine their historical significance and likelihood of being placed on the National Register of Historic Places.

3. In evaluating whether a building is eligible for the National Register of Historic Places, I apply the National Registry’s Criteria set forth in 36 C.F.R. 60.4. There are four Criteria listed in 36 C.F.R. 60.04, which are commonly referred to as Criteria A, B, C, and D.

Ms. Roth's Affidavit indicates that only Criteria A and C may apply in this case and I do not disagree. (The Criteria themselves are set forth in my May 23, 2007 report attached hereto at pages 6-7).

4. As is common in my field, I also consult with and rely on the National Registry Bulletin on "How to Apply the National Registry Criteria for Evaluation." Attached hereto as Exhibit B is a true and correct copy of the National Registry Bulletin on "How to Apply the National Registry Criteria for Evaluation." Further, it is an accepted and common practice in my field to rely on previous work done by reputable historians to assess the historical quality of a building.

5. An intensive survey of a school building under Criterion A would involve detailed historical research as well as a thorough inspection and documentation of the building itself to produce all the information needed to evaluate its National Register eligibility. This would include reviewing historical documents, including newspaper articles and Board of Education minutes, to determine whether any significant educational events occurred in or about the building.

6. In my experience, it is difficult to qualify a building for the National Register of Historic Places under Criterion A. Moreover, a school would not qualify for the National Register of Historic Places simply because many of the community's residents received their education there.

7. An intensive survey of a school building under Criterion C would include examining the physical characteristics of the building along with researching the background of its architects and design. In my experience, for a building to qualify under Criterion C, it must possess attributes making it emblematic of or the best example of that particular type or style of

structure. In accordance with the National Register Bulletin on “How to Apply the National Register Criteria for Evaluation, an “[architectural] master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality . . . A property is not eligible as the work of a master [under Criterion C], however, simply because it was designed by a prominent architect.”

8. In or about May 2007, the City of Kasson retained Pathfinder to opine on whether an Environmental Assessment Worksheet (“EAW”) was required before the City demolished the Kasson Elementary School (“Building”). I was responsible for and actually conducted this assessment.

9. My work for the City necessarily involved an investigation into the historical significance of the Building. Because of time limitations, I was only able to conduct a preliminary historical assessment of the Building. I consulted the project file provided by the City (containing the 2005 space needs study by Kane and Johnson Architects, Inc., the April 2007 petition for an Environmental Assessment Worksheet, minutes of city council meetings, and correspondence between the City Planner and City Attorney) and reviewed the historic property inventory files (including National Register documentation, inventory forms, reports of surveys, and other preservation related information) at the State Historic Preservation Office of the Minnesota Historical Society prior to generating my findings and recommendations to the City. I also viewed the KARE website, the Rochester Post-Bulletin online, and the electronic versions of the applicable Code of Federal Regulations and the Minnesota Rules.

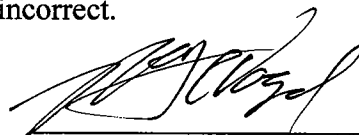
10. Based on my preliminary historical assessment of the Building, my professional opinion is that the Building would not qualify to be placed on the National Register of Historic

Places under either Criterion A or C. Attached hereto as Exhibit C is a true and correct copy of the Findings and Recommendations Relating to the Need for an Environmental Assessment Worksheet: Old Elementary School Building Kasson, Minnesota dated May 23, 2007.

11. Regarding Criterion A, I did not uncover any evidence of specific events of outstanding importance that occurred at the Building, nor did I find any evidence suggesting that the Building played a pivotal role in community development other than providing a place for education. Further, the Building is not the only public school building in Kasson and is not the only surviving public schoolhouse more than fifty years old. As stated in my Findings and Recommendations, absent a specific link to an important event, the Building cannot be considered historically significant merely on the grounds of its association with the City's history of public education.

12. With respect to Criterion C, the Building is typical of public school buildings constructed during the early twentieth century. The "alphabet plan" of the Building, in this case an "H," was widely used throughout the United States during that time and exhibited a wide range of architectural styles. The architects of the Building appear to have been chosen not for their notoriety or particular experience with such structures, but as structural engineers and draftsman since educators and politicians had already developed and implemented the plan for the Building.

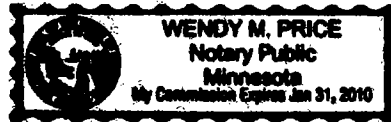
13. I indicated in my report that my opinion about the Building is not unequivocal solely because I have not had the opportunity to conduct a full historical survey, not because I believe that the opinion expressed in my report is incorrect.



Robert C. Vogel

Subscribed and sworn to before me
this 4 day of June, 2007.

Wendy M. Price
Notary Public



This Affidavit Submitted by:
Hoff, Barry & Kozar, P.A.
160 Flagship Corporate Center
775 Prairie Center Drive
Eden Prairie, MN 55344

Robert C. Vogel

Position: Historian/Managing Partner

Responsibilities: Director of historic preservation services and chief administrative officer; archival research, architectural and landscape survey, preservation planning, project management, and report preparation

Areas of expertise: Historical geography of North America; ethnohistory, architectural history, historical archaeology, and preservation planning; specializing in archival research, rural settlement patterns, historic landscapes, vernacular architecture, and local government preservation program development

Experience: president, Robert C. Vogel & Associates, 1978-2004; city historic preservation officer, Cottage Grove, MN, 1981-2002; vice president and senior historian, Bear Creek Archeology, Inc., 1991-99

Qualifications: Historical geographer with more than 25 years professional experience in cultural resource management consulting; successfully completed more than 400 archaeology and historic preservation projects; meets Secretary of the Interior's professional qualifications standards in History and Architectural History

Education: B.A. (Geography and History), University of Minnesota, 1975; postgraduate work in Anthropology (Historical Archaeology), Northwestern State University of Louisiana, 1978; M.A. (Geography), University of Minnesota, 1980

Reports and publications: Author of more than 60 monographs, journal articles, reviews, and technical papers and has contributed to more than 400 cultural resource management and historic preservation reports

Robert Vogel can be contacted directly at Pathfinder CRM, Minnesota Office, 168 W. Main St., P. O. Box 503, Spring Grove, MN 55974; 507-498-3810; rcvogel @ springgrove.coop

