



Approved

MINUTES
HISTORIC PRESERVATION COMMISSION
REGULAR SESSION
5:30 p.m.
Thursday, March 19, 2009
City Council Chamber, Historic Federal Building
350 W. 6th St., Dubuque IA 52001

Commissioners Present: Chairperson Matthew Lundh; Commissioners Chris Olson, Eli Licht, Michael Knight, Mary Loney Bichell, Joseph Rapp, Chris Wand and Bob McDonell.

Commissioners Excused: Commissioner John Whalen.

Staff Members Present: Laura Carstens and David Johnson.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

CALL TO ORDER: The meeting was called to order by Chairperson Lundh at 5:30 p.m.

MINUTES: Commissioner Rapp noted changes to the draft minutes of February 19, 2009. He explained on Page 3, last paragraph, the date 1853 should be changed to 1833. He noted 29 Locust Street should be added after John S. Murphy's name in paragraph 1, Page 4. He noted 36 Bluff Street should be changed to 35 Locust Street on line 7, paragraph 4, page 4.

Motion by Wand, seconded by Olson, to approve the minutes of February 19, 2009 meeting with the recommended changes. Motion carried by the following vote: Aye – Lundh, Olson, Licht, Knight, Loney Bichell, Rapp, Wand and McDonell; Nay – None.

DESIGN REVIEW: Application of Advanta Sign Co. for a Certificate of Appropriateness to change sign on the rooftop of Hotel Julien located at 200 Main Street in the Old Main Historic Preservation District.

Staff Member Johnson introduced the project applicant, Keith Grimstad, of Advanta Sign. Staff Member Johnson reviewed the staff report. He explained the applicant is seeking a Certificate of Appropriateness to change the roof sign on top of the Hotel Julien. He explained the new sign will have little material effect on the exterior architectural appearance or features of the sign. He stated the existing vinyl sign letters will be removed and new letters will be painted on. The original neon tubing bordered the vinyl letter was broken, removed and will be replaced with new clear red neon tubing. He stated that tubing

will border the new painted lettering. He stated the sign size and steel support structure will not change.

Mr. Grimstad clarified that the sign will be approximately the same size. The Plexiglas substructure will be placed with aluminite, which will have similar appearance. He noted an additional aluminum frame will be added. He stated the sign has had neon on it since approximately the 1920s. In response to a question from Commissioner Wand, Mr. Grimstad explained the gray areas located in the bottom corners of the sign are designed to allow for radio transmitters, and therefore, the sign is not all white.

Commissioner Wand asked about the red neon color bordering the letters. Mr. Grimstad explained the color was selected by Tony Pfohl, property owner.

Staff Member Carstens clarified that the sign is in compliance with the Zoning regulations.

In response to a request from Commissioner Olson, Staff Member Johnson reviewed the architectural design guidelines for signs. He noted an exact date of the sign's installation cannot be determined.

The Commission discussed the font, colors and use of neon for the sign. They discussed the use of exterior lighting instead of neon, which Commissioners Wand and Olson felt was most appropriate for the restored hotel. Mr. Grimstad said the owner would like the sign to be approved as proposed. He felt the sign would be a great addition to the building. Mr. Grimstad explained that the neon was removed in the fall as part of the building restoration. He clarified the neon will be on the exterior and used to outline the letters. He said the neon is built and ready to be installed.

Staff Member Carstens clarified the sign permit process and zoning regulations for roof signs when replacement of panels occur.

The Commission again discussed the reintroduction of the neon. Commissioner Olson noted a potential conflict because the HEART Program will receive a donation from the Hotel Julien and therefore she will abstain from any further discussion and voting on the project.

The Commission discussed whether the applicant would like to table the request until a time when Mr. Pfohl can be present. The Commission also discussed voting on the material of the sign only and deferring the lighting of the sign to a later meeting.

The Commission discussed using neon lighting versus uplighting for the Hotel Julien sign. Commissioner Rapp felt the new sign and font was appropriate, but had concerns how the neon would look. Commissioner McDonnell explained he did not like the neon and would rather see external illumination. Commissioner Licht stated he would prefer exterior illumination over neon because that would be most appropriate for the restored hotel.

Commissioner Knight felt the sign design does not fit with the hotel restoration. Commissioner Bichell felt the design of the sign was appropriate but would prefer external illumination. Chairperson Lundh felt the uplighting is the most historically appropriate alternative.

Mr. Grimstad suggested the Commission table the request until Mr. Pfohl can be present.

Motion by Wand, seconded by Bichell, to table the application at the request of the applicant. Motion carried by the following vote: Aye – Lundh, Licht, Knight, Loney Bichell, Rapp, Wand and McDonell; Nay – None; Abstain - Olson.

The consensus of the Commission was to notify the applicant that the sign cannot be installed because the item was tabled.

Commissioner Lundh discussed allowing the applicant to install the sign as proposed, with the exception of the sign's illumination.

Motion by Lundh to remove the item from the table. Motion failed for lack of a second.

The Commissioner discussed whether a special meeting should be held. By consensus, the Commission agreed to consider a special meeting if requested by the applicant.

DESIGN REVIEW: Application of Four Mounds Foundation for Historic District Preservation Improvement Program funding for a visitor station for the Four Mounds Estate Landmark Site located at 4900 Peru Road.

Commissioner Olson removed herself from the table to represent the Four Mounds Foundation in the request.

Staff Member Johnson reviewed the staff report. He explained the applicant is applying for funding from the Historic District Public Improvement Program to fund a portion of the architectural fees to design and site a visitor station at the Four Mounds Estate. He stated the application explained the visitor's station will compliment the estate, and will be sited in an unobtrusive location behind a tree line close to the ropes course, parking area, and summer day camp. He explained the visitor's station will accommodate a men's and women's restrooms, water fountain, shed roof overhang, information kiosk, storage closets and a bicycle rack. He stated the design of the visitor's station will be presented to the Commission at a later date. He stated the visitor's station will eliminate the need to have a porta-potty on site and create a more visitor-friendly permanent solution. Staff Member Johnson stated there is currently \$4,800 in HDPIP funds available through FY2009. He stated the total architectural costs are estimated at \$6,500. He explained Jeff Morton will be contributing \$1,700 of in-kind match and the applicant is requesting \$4,800 from HDPIP. He stated the role of the Historic Preservation Commission in reviewing the project is to serve as an advisory design review body to the City Council for review of public works

projects which have historic preservation implications at landmark sites. The Commission is responsible for providing a recommendation to the City Council regarding funding projects from the HDPIP Program.

Chris Olson, Executive Director of Four Mounds Foundation, reviewed the construction of the visitor's station, which is not currently budgeted. She reviewed the planned design of the visitor's station and referred to photographs of the proposed site location. She stated the visitor's station will use muted natural colors and a design which mimics the Grey House at the estate. She reviewed the sequential development of homes and other structures at Four Mounds. She described the variety of uses at the site and how the numbers of people visiting the site are managed. She explained there is a great need for the public restrooms and visitor's station at the estate.

Ms. Olson thanked the Commission for past HDPIP support and reviewed the current progress on other projects.

Commissioner Rapp questioned when the restrooms would be open. Ms. Olson stated the restrooms would be seasonal, as determined by the Leisure Services Department. Ms. Olson reiterated the need for the visitor's station for the visiting public and accessibility.

Commissioner Rapp asked about Four Mounds connection to the Heritage Trail. Staff Member Carstens explained that Four Mounds is not located on the Heritage Trail.

Commissioner Wand asked about the architectural services. Ms. Olson explained that Jeffrey Morton of Morton Design will be contributing \$1,700 worth of his time and talent.

The Commission reviewed the HDPIP policy and noted project design is an eligible expense for HDPIP funding and in-kind contributions are allowed. Commissioner Licht asked if the HEART Program would be involved in the visitor's station. Ms. Olson was unaware of who would be participating in the project.

Motion by Knight, seconded by Wand, to approve the request as submitted. Motion carried by the following vote: Aye – Lundh, Licht, Knight, Loney Bichell, Rapp, Wand and McDonell; Nay – None; Abstain – Olson.

Commissioner Wand suggested a report that shows funds leveraged for HDPIP be prepared for City Council consideration. By consensus, the Commission directed staff to prepare the report for the Commission to review prior to submission to City Council.

ITEMS FROM PUBLIC:

510 W. 11th Street: Rodney Carroll, 510 W. 11th Street, spoke regarding the action taken at the Historic Preservation Commission's February 19, 2009 meeting, which referred his property to the Building Services Department for rotten wood detailing. Mr. Carroll referenced the March 11, 2009 Notice of Repairs letter issued by the Building Services

Department, which stated the property was suffering from Demolition by Neglect. He stated the enforcement referral was generated at the February 19, 2009 meeting. Mr. Carroll requested to know what about his home qualifies for Demolition by Neglect and which Commissioner made the enforcement referral. Mr. Carroll explained he is in the process of selling the property. He stated he has owned the property for approximately eight years, and invested a significant amount of time and money into the property. He explained much of the investment has been made to the inside of the property. He explained that when he purchased the property eight years ago, the property was falling down from the inside. Mr. Carroll acknowledged that the exterior of his home is not perfect, but it does not rise the level of demolition by neglect.

Mr. Carroll stated that the Notice of Demolition by Neglect has directly and adversely affected his ability to sell the property at the recommended price. He explained that Iowa Law requires him to disclose in his Property Disclosure Statement the enforcement action by the Commission and pending activity. He explained he has discussed the enforcement action with a number of real estate professionals who have advised him that the enforcement action adversely and immediately impacts his ability to perform on his contract with his real estate agent or any prospective business advantage he may have with a prospective buyer. Mr. Carroll requested the Commission clarify why the enforcement referral was made and the Commission formally revisit the matter.

Mr. Carroll questioned how members of the Commission who live in close proximity to his property ignore homes that are in obviously poorer condition than his for enforcement. He explained that he is not only passionate about his home but also the neighborhood. He stated he succeeded Commissioner Olson as President of the Historic Bluffs Neighborhood Association. He stated during his tenure as president of the neighborhood association, he spearheaded an effort to City Council to initiate rezoning of the neighborhood from a high density residential classification to a lower density zoning classification to encourage the introduction of new people into the neighborhood. He stated the effort was made to also encourage the preservation of historic properties and regeneration of the neighborhood. He explained the Commission's actions contradict those efforts. He explained that since receiving the letter, he has toured the neighborhood and if his home is the standard by which the City evaluates demolition by neglect, one-third to 40% of the West 11th Street Neighborhood should also be considered demolition by neglect.

Mr. Carroll referenced a property owned by an absentee landlord located directly across the street from Commissioner Bichell. He explained the porch on the blue four-square is falling down and actual separation from the building has occurred on the front railing. He explained the porch is not level. He explained that there are no such defects on his front porch and yet it is noted as an issue in the demolition by neglect. He stated if his neighbors have concerns about the way his home looked, he wished they would have brought those concerns to him personally so the situation could be discussed.

Chairperson Lundh suggested the Commission would try to identify who generated the complaint; however, that would be unlikely due to the enforcement referral process. Mr. Carroll again reiterated that his conversations with Assistant City Attorney Crenna Brumwell indicated that the genesis of the complaint was with Historic Preservation Commission at the February 19th meeting.

Chairperson Lundh deferred to staff and asked what is the Commission requiring Mr. Carroll to do that he is not doing. Staff Member Carstens explained that the Commission asked Planning Staff to refer a complaint to the Building Services Staff to look into enforcement due to rotting wood detailing. She explained that referral is reflected in the February 19, 2009 minutes. She explained like any other referral made by the Commission at meetings, the enforcement issue was referred to the Building Services Department to determine whether a violation exists. She explained the determination of demolition by neglect is not made by the Commission or the Planning Services staff; rather it is made by the Building Services Department and that is where the enforcement process begins, if the Building Services Department finds a violation. Chairperson Lundh summarized that the Commission had a concern about the exterior of the house, referred to the Building Services Department, and explained that someone from that department went out to inspect the property and identified an issue. He explained there are probably eight to 10 other buildings in the City of Dubuque that are under similar duress that are also probably in litigation.

Chairperson Lundh asked Planning Staff what Mr. Carroll needs to meet the requirements of the Ordinance. Staff Member Carstens explained those requirements are stated in the March 11, 2009 notice prepared by the Building Services Department. Chairperson Lundh requested to know exactly what the Building Services Department found wrong with the house. Staff Member Carstens again noted a copy of the letter was given to Commission members and was in front of them. Mr. Carroll noted he has a copy of the same letter which states the items include, but are not limited to, deteriorated soffit, fascia and windows and lack of whether protection on the porch and steps. Staff Member Carstens stated that the letter requests a plan of action to comply with Section 25-7 by March 27, 2009.

Mr. Carroll reiterated that the problem is that the enforcement action has required the letter be attached to the property. Chairperson Lundh explained that is something they can clarify. Chairperson Lundh stated the City needs to find out whether the letter should be attached to the property because Mr. Carroll has not had a chance to respond. Mr. Carroll again explained he has an obligation to disclose the enforcement action under Iowa law under the property disclosure requirements. Chairperson Lundh explained that the Historic Preservation Commission needs to correspond with the Legal Services Department to determine how and when enforcement actions are attached to a property, and get that fixed because the property owner needs a chance to respond.

Commissioner Olson explained when buying or selling a home, it's common for issues to be disclosed. Chairperson Lundh again explained that the property owner should have a

chance to respond and the City shouldn't file official papers. Staff Member Johnson explained that the letter sent by Building Inspector Zasada is a Notice of Repairs. He explained it is not yet a Notice of Violation or a Citation, rather, the initial stages of the compliance process. Mr. Carroll stated regardless of the stage of the process, he is required to tell any prospective buyer of the property that the City is considering taking civil sanctions as a result of the issues.

Chairperson Lundh suggested the Commission can consider a motion on how to justify or rectify the situation. He explained there is a lot of middle ground that is a waste of time until the exact improvements needed are identified. Chairperson Lundh suggested perhaps the Commission communicate with the Building Services Department that added clarification is provided to a property owner.

Staff Member Carstens reminded the Commission that historic preservation enforcement is in the Building Services Department because City Code gives the Building Services Department authority to do that. She explained that the City Attorney's Office has informed the Commission that they can take the matter under advisement; however, no formal action can be taken at the meeting. She explained the Commission can direct staff to place the item on a future agenda where Legal, Building Services, and Planning staff can be in attendance and the Commission would have an opportunity to take action.

Chairperson Lundh suggested having the Legal Department or Building Services Department write a clarification letter explaining what exactly needs to be fixed. Commissioner Knight noted that the problems are outlined in the March 11th letter. Mr. Carroll asked the Commission what specific criteria under Section 25-7 of the Ordinance does his property fall under. Chairperson Lundh explained he believes the Commission needs to arrive at a solution so there is direction and the Commission is not imposing anything negative on Mr. Carroll's property. Chairperson Lundh again suggested the Commission could consider a motion which would request clarification on the Demolition by Neglect to the Legal Department or City Manager's Office. Chairperson Lundh explained the letter would indicate what improvements Mr. Carroll would need to make by a specific date so that if it has to be included in a disclosure statement, it can easily be dismissed by a potential purchaser of the property.

Commissioner Knight suggested Mr. Carroll needs to speak with the appropriate department and determine exactly what the expectations are for repair. Mr. Carroll explained his frustration is that someone on the Commission already made that determination when referring the enforcement to the Building Services Department. Staff Member Carstens reiterated the minutes do not specify demolition by neglect; rather merely refer the matter to the Building Services Department to make a determination. She explained it is then up to the Building Services Department to make a determination whether the condition violates the Ordinance based on the inspection. She suggested that Mr. Carroll needs to speak with the Building Services Department for clarification on the enforcement.

Mr. Carroll noted the February minutes stated that the property at 510 W. 11th Street be added to the enforcement report. Staff Member Carstens reiterated that the Historic Preservation Commission does not make a determination whether a property meets the definition of Demolition by Neglect. A determination is made by an inspector in the Building Services Department. A referral by the Commission does not constitute a violation.

Mr. Carroll requested the Commission vote on a recommendation that its conclusion at the February 19, 2009 meeting was erroneous and was not founded in fact. Chairperson Lundh stated he could not do that. He stated he could personally call the Building Services Department and clarify what needs to be improved. He suggested Mr. Carroll contact Building Services Department Manager Rich Russell for help. He explained to Mr. Carroll that Staff Member Carstens and the City say one thing, but he, as a citizen and Commissioner will try and help out. He explained he will spend his own time to try to come to a conclusion.

Chairperson Lundh recognized that the enforcement action has already begun, and therefore, the issue is how to come to a conclusion as fast as possible. He explained that if the situation is fixed, then it doesn't need to be disclosed.

Commissioner Knight noted the underlying issue is that Mr. Carroll does not believe there are repairs that need to be made. He explained as a real estate professional, not disclosing the enforcement would put Mr. Carroll in a bad position. Mr. Carroll began to explain the recourse. Chairperson Lundh stated what they did was covert, but if they work it out, there can be a solution. Commissioners Knight and Olson explained it was not a covert action; rather, the matter was referred to the appropriate department as part of the process. Commissioner Knight stated the Commission does not have the authority to reverse any enforcement action. Mr. Carroll explained that the process was initiated with the Commission. Staff Member Carstens explained that any citizen of the city of Dubuque can refer potential enforcement to the City.

Mr. Carroll asked Commissioner Bichell, based on her recent visit to the property, whether she believes it qualifies for demolition by neglect. Commissioner Bichell explained that the property does need some work. She explained Mr. Carroll admitted to the fact that the property needs work; however, she is not aware of the specific stages of enforcement for demolition by neglect since she does not work in the Building Services Department.

Mr. Carroll questioned how a Commission not aware of the process of demolition by neglect can make a referral to a Building Official to make a determination of demolition by neglect. Commissioner Knight reiterated that the complaint was referred to the appropriate department to make the determination.

Mr. Carroll apologized for the direction the matter has taken but because he needs a resolution in a timely fashion, he will pursue a declaratory judgment. He explained it is a bad situation for him and historic preservation in Dubuque.

Commissioner Olson explained the Commission does not respond to threats. Mr. Carroll stated he is not threatening anyone; rather he explained what his options are. Mr. Carroll explained if anyone has been threatened in this situation, it has been him. Chairperson Lundh stated he believed Mr. Carroll was correct in that assertion; that the way the system works the process does not have the give that it needs to have. He stated this is why it is important that perhaps unofficial correspondence be made prior to any letters being sent to property owners about violations. He feels there should be a step prior to any correspondence being sent to a property owner.

Staff Member Carstens explained that is exactly the intent of the letter dated March 11th, which was sent to Mr. Carroll. She explained it was not a Notice of Violation; rather merely a request to submit a plan of action. She reiterated that the process is being followed appropriately. She explained it is the same process that the City has used for years, which virtually every inspector follows. She explained that an inspector receives a complaint, they complete an inspection, and then they do or do not issue a notice, depending on whether they find a violation.

Mr. Carroll stated he does not believe that the inspector identified the specific subsection of Section 25-7 of the City Code of which he is in violation. Staff Member Carstens encouraged Mr. Carroll to speak with the Building Services Department for an answer to this question.

Chairperson Lundh stated he understands Mr. Carroll's dissatisfaction and the Commission will do their best to make sure that similar situations do not happen again. Chairperson Lundh apologized. The Commission thanked Mr. Carroll for his time and Mr. Carroll explained that he would take it up with the appropriate courts.

Staff Member Carstens asked whether the Commission would like the item placed on a future agenda. Commissioner Knight stated that the Commission will wait for the requested action plan by March 27th and consider setting something up after that. The Commission deferred any action until such time that the election of officers is finalized.

ITEMS FROM COMMISSION:

Election of Officers: Chairperson Lundh explained after the previous meeting, Commissioner Knight had expressed interest in being the Chairperson for the Commission. Chairperson Lundh stated he wanted the matter brought back before the Commission so the entire Commission could decide. Chairperson Lundh stated he has no objection to Commissioner Knight being the new Chairperson; he just wanted the Commission to decide as a group.

Commissioner Knight explained the reason why he did not express more interest at the last meeting was because he believed his role as an interim or temporary commissioner would not allow him to serve as Chairperson. He explained since that meeting, staff conducted some research and determined there is nothing in the Ordinance which would prohibit an interim member from serving in an office.

Commissioner Wand noted at the last meeting, no Commissioner expressed an interest in serving as Chairperson. Chairperson Lundh explained that he has a laid back approach to being Chairperson and he feels every person should have an opportunity to speak, and his goal is to make property values in the historic districts go up. Chairperson Lundh stated that Commissioner Knight has explained there is an opportunity for the Commission to be better represented at City Council meetings.

Commissioner Knight referenced the building in the 1600 block of Central that was allowed to be demolished, even though the applicant's presentation was full of contradictions. He reiterated his interest in being the Chairperson. Chairperson Lundh stated he is still interested; however, would leave the decision up to the Commission to decide.

Commissioner Olson explained her experience on the Commission indicates that in past elections of officers, there's been a general lack of interest in serving in these roles. She stated that she is excited that Commissioner Knight is interested in the position. Commissioner Knight explained as a developer, broker, and real estate agent, he deals with these preservation issues on a day-to-day basis and feels as though he could serve confidently in the position. Chairperson Lundh requested regardless of who is the new Chairperson, everyone's voice is heard and the Commission is not one voice; but rather a group of people. With that said, he stated he had no objection to Chairperson Knight becoming Chairperson.

The Commission discussed the procedure for the new election of officers. Commissioners Olson and Wand again reviewed past difficulty in Commission members wanting to hold an office position. Commissioner Wand stated he would want Chairperson Lundh to be Chairperson at a time when he really wants to do it, not when he feels obligated to do it.

Staff Member Carstens explained the proper procedure for making a motion to reconsider the election of officers. She explained that anyone on the prevailing side of last month's motion can move forward with the motion to reconsider.

Motion by Wand, seconded by Olson, to reconsider the motion of February 19, 2009 for the election of officers. Motion carried by the following vote: Aye – Olson, Lundh, Licht, Knight, Loney Bichell, Rapp, Wand and McDonell; Nay – None; Abstain – None.

Staff Member Carstens explained the motion of February 19th to elect Matt Lundh as Chairperson, Mary Loney Bichell as 1st Vice Chairperson and Chris Wand as 2nd Vice Chairperson is back on the table.

Staff Member Carstens explained amendments could be proposed if agreed to by Commissioners Wand and McDonell.

Motion by Wand to amend the original motion to nominate Michael Knight as Chairperson, Mary Loney Bichell as 1st Vice Chairperson and Chris Wand and 2nd Vice Chairperson. Motion to amend the previously motion failed due to a lack of a second by Commissioner McDonell to the amendment.

Staff Member Carstens explained the Commission must now vote on the motion as stated originally with Commissioner Lundh as Chairperson. She reviewed the original motion, which was to elect Commissioner Matt Lundh as Chairperson, Mary Loney Bichell as 1st Vice Chairperson, and Chris Wand and 2nd Vice Chairperson. Motion failed by the following vote: Aye – McDonell; Nay – Olson, Licht, Knight, Bichell, Rapp, Wand and Lundh; Abstain – None.

Motion by Wand, seconded by Licht, to elect Michael Knight as Chairperson, Mary Loney Bichell as 1st Vice Chairperson, and Chris Wand as second Vice Chairperson. Motion carried by the following vote: Aye – Lundh, Licht, Knight, Loney Bichell, Olson, Wand and McDonell; Nay – None; Abstain – Rapp.

Boarded-Up Windows and Doors Ordinance: Staff Member Carstens explained staff is seeking direction from the Commission on how to proceed with the draft boarded up windows and doors ordinance. She explained this is a process that started some time ago as an amendment to Chapter 11 of City Code. She asked the Commission whether they would like the proposed ordinance to be incorporated in Chapter 25 or Chapter 11 of the City Code or as part of the Unified Development Code process. She reviewed the comments of the Dubuque Main Street Board. She stated Planning Services Staff also met with the City Manager, Building Services Department, Legal staff, and Housing and Community Development staff to discuss the comments of Dubuque Main Street. She explained the Building Services Manager Rich Russell suggested amendments which have not been incorporated into the original draft ordinance. She asked the Commission to consider the comments of the Dubuque Main Street Board as well as the comments from City Staff and make a determination of which comments to incorporate into the draft ordinance. She explained Commissioner Olson requested the Commission discuss the issue and deferred to her for any additional information.

Commissioner Olson explained she has noticed a number of boarded-up and open windows in the city. She also stated that former Commissioner Terry Mozena contacted her about his concerns regarding boarded-up and broken windows in the city and asked about the current City policy regarding them. She explained that since the process for establishing an ordinance for boarded-up windows and doors began, the downtown has seen a lot of investment and noted a number of the downtown boarded-up windows and doors have been restored. She explained that downtown is also seeing more upper level

housing. She explained that since Mr. Mozena brought the issue up, she realized the issue impacts are much broader than simply establishing an ordinance to prevent boarded-up windows and doors in the downtown, and she believed the matter warrants further discussion by the Commission. She questioned whether now is the appropriate time to follow-up on the ordinance and revisit the issue with Dubuque Main Street. She referenced photographs taken by Mr. Mozena and emailed to her. She noted some of the buildings are examples of long-term boarded-up windows and doors, and others are more recent examples that have been affected by fire. She also referenced the comments emailed by Mr. Mozena to the City Manager, Planning Services staff, and the Housing and Community Development Department regarding the draft ordinance.

She asked Commissioner Wand his opinion of how the proposed boarded-up windows and doors ordinance with the suggested comments would be received by Dubuque Main Street. Commissioner Wand explained his recollection of the Planning Services Staff initial presentation of the ordinance to Dubuque Main Street included a survey of buildings that would be affected by the proposed ordinance. He said his recollection of the meeting was that Dubuque Main Street initially had hesitation due to the number of properties and property owners that would be affected. He explained the Board's initial concern was that the City would impose an undue burden on those property owners if they were required to go back and put new windows in those buildings. He stated what the Historic Preservation Commission has discovered is that a number of these boarded-up windows and doors already have a window, if not the original window, behind them. He explained he was not at the Dubuque Main Street Board meeting in January 2008 for the Planning Services Staff follow-up. He said in reading the memo to the Commission; he was encouraged by how well it was received by the Dubuque Main Street Board. He stated he believed the Board's suggested changes and requested timeframe for compliance is positive.

The Commission discussed examples of buildings that have boarded-up windows. The Commission discussed that in many of those cases, simply removing the boarded-up windows would create an immediate impact and transform the appearance of the building from the street.

Commissioner Wand suggested the Commission needs to work on the process and timeframe for the Ordinance. He questioned whether enforcement of the ordinance would be done on a complaint basis or whether enforcement would occur in phases where larger areas would be surveyed and identified.

Staff Member Carstens clarified for the Commission that the language in the draft ordinance is specific to vacant and abandoned buildings only located in historic and conservation districts. She explained that some buildings with a first floor retail use and boarded-up upper story windows may not qualify, since the building is occupied on the first floor by a business. Enforcement of the ordinance would be specific to those buildings that qualify as being vacant and abandoned. She explained buildings outside of the conservation districts would not be subject to enforcement as the ordinance is proposed.

She explained the intent of the ordinance was to mitigate the impact vacant and abandoned buildings have on slum and blight in conservation and historic districts. She explained the draft ordinance was proposed to go beyond the Housing and Community Development policy on boarded-up windows and doors to include commercial properties.

Chairperson Lundh referenced the Millworking District and South Main, and suggested the draft ordinance could be very problematic. Staff Member Carstens noted that the Millworking District and most of South Main is not located in a local historic or conservation district. Chairperson Lundh suggested a process that would deal with every property owner fairly and a uniform approach, so that buildings in the Millworking District and South Main are taken into account.

Chairperson Lundh questioned how the boundaries for enforcement would be established. Commissioner Wand explained those boundaries have already been defined through the process of establishing conservation and historic districts. He explained conservation and historic districts are areas that have already been defined as having buildings with sufficient historical fabric and architectural significance to warrant establishment of the district, and therefore, justify boundaries for the boarded-up windows and doors draft ordinance. He stated expansion of the ordinance to the Millworking District would mean that the district would have to become an established local conservation or historic district.

Commissioner Wand noted enforcement of the Ordinance could become difficult for situations where the first floor of a building is being used and upper stories are vacant. He stated situations could arise where previously vacant upper floors could easily be used for storage. Chairperson Lundh reiterated the importance of establishing clearly defined boundaries, and a fair process which allows property owners to respond to a complaint prior to being labeled.

Commissioner Olson questioned what the next step would be, and what public input would be needed. Staff Member Carstens explained the next step would be for Planning Services Staff to take the Historic Preservation Commission's comments to City Staff and the Dubuque Main Street Board and affected parties. She suggested bringing in stakeholder groups and neighborhood associations to comment as well. Staff Member Carstens explained the draft ordinance would require at least one public hearing before the City Council. Commissioner Wand again explained the importance of testing the draft ordinance with those people most affected so as to not place an undue burden on property owners.

Commissioner Wand requested clarification from City Staff on what defines a vacant and abandoned building. He noted that as a result of inspection efforts associated with the ordinance, quite possibly other enforcement issues could be discovered with a building. He stated there is a positive aspect of code compliance, especially pertaining to health and safety issues; however, he does not want the boarded-up windows and doors ordinance to be the impetus for those code violation issues.

Commissioner Rapp suggested a generous two-year time frame for compliance. Commissioner Wand stated for something as significant as missing windows, he would support a fairly long time frame for compliance.

The Commission questioned who would enforce the ordinance. Staff Member Carstens explained that the Housing and Community Department currently has a policy for boarded-up windows for residential properties only. She explained the Building Services Department does not have anything to enforce boarded-up windows for commercial buildings. She explained the Housing and Community Development Department handles housing-related violations and the Building Services Department enforces on commercial buildings. Commissioner Olson questioned who would enforce on buildings that have a commercial use on the first floor and residential uses above. Staff Member Carstens explained the Building Services Department and Housing and Community Development Department would do separate enforcement on these mixed-use buildings. She explained that since the process for establishing the ordinance was started, the Housing and Community Development Department now maintains a list of licensed vacant and abandoned buildings in the city. She suggested obtaining a copy of that list to help quantify the number of buildings that would be affected by the ordinance.

Chairperson Lundh suggested a careful approach to enforcement. Staff Member Carstens referred to past discussions of the Commission which suggested enforcement referrals no longer be made at the meeting; rather they be made directly to the appropriate department, just like any other citizen would. Complaints would then be made as a citizen and not as a Commission or member of the Commission. She explained complaints can be made by phone or the new City website has a process which allows a person to anonymously file a complaint on line to the appropriate department. Commissioner Wand supported the new process for referring property concerns. Commissioner Wand suggested continuing to have an enforcement report provided to the Commission; however, referrals and discussion would be limited to direct correspondence to the appropriate department as citizens, not as Commissioners.

Chairperson Lundh stated it is the commission's job to help improve property values. The Commission disagreed, noting that this is one by-product of their efforts, but they have a number of duties.

Commissioner Olson questioned what the next steps of the boarded-up window and door ordinance will be. Staff Member Carstens suggested reviewing a definition of what a vacant and abandoned building is, and obtain from the Building, Housing and Legal Services staff the process for determining a vacant and abandoned building, and obtaining a list of licensed vacant and abandoned buildings. Commissioner Wand suggested a work session this spring or summer to discuss the issue with numerous departments. The Commission discussed having a work session prior to their regularly scheduled meeting on April 16th. The Commission suggested a meeting with staff at 3:30 p.m., dinner at 5:00

p.m. and holding the regular meeting at 5:30 p.m. Commissioner Rapp indicated he would not be able to attend. Commissioner Olson questioned whether a quorum was needed. Staff Member Carstens explained a quorum is needed, but no official actions are taken at work sessions.

Motion by Wand, seconded by Olson, to direct staff to coordinate a work session on April 16th, at 3:30 p.m. with the Planning Services Department, Housing and Community Development Department, Building Services Department, and Legal Department to discuss the implementation and direction of the draft boarded-up windows and doors ordinance. Motion carried by the following vote: Aye – Olson, Lundh, Licht, Knight, Loney Bichell, Rapp, Wand and McDonell; Nay – None.

ITEMS FROM STAFF:

National Historic Preservation Month: Staff Member Carstens explained that May is National Preservation Month. She stated typically the Commission, in recognition of National Preservation Month, holds their monthly meeting at a historic site, and the Mayor reads a proclamation. The Commission discussed the National Trust for Historic Preservation's suggested activities to celebrate National Preservation Month. Commissioner Wand stated he supports the annual proclamation in recognition of Preservation Month. Commissioner Wand reviewed activities that the Historic Preservation Commission and City already undertake in recognition of it. He reviewed the Ken Kringle Awards which are handed out at the May Historic Preservation Commission meeting. He stated an oral history interview is already underway as part of a grant from the 175th Anniversary Committee. The Commission discussed opportunities to showcase the oral history interviews.

Commissioner Olson asked, on behalf of the Old House Enthusiasts, the status of Architecture Days. Commissioner Wand confirmed that Architecture Days is happening in April and anyone interested should contact Main Street Program Director Paula Neuhaus for additional information.

Commissioner Bichell suggested collecting "then" and "now" community photos and exhibiting them in a public space. Commissioner Wand suggested having City Council members pose with a "This Place Matters" sign in front of their favorite building. He stated he has a "This Place Matters" sign they could use. Commissioner Wand explained it would be an excellent opportunity to highlight threatened and/or historic buildings. Commissioner Olson suggested having the photos printed in the Telegraph Herald each day of the week for each City Council Member. Commissioner Bichell suggested preparing a walking tour of past Ken Kringle Award recipients. Staff Member Carstens explained Planning Services staff will be able to prepare the proclamation for Historic Preservation Month, sending a letter on behalf of the Historic Preservation Commission to the City Council requesting City Council members pose in front of their favorite historic building with a "This Place Matters" sign, but all other activities will need to be done as individuals, as a Commission or by other organizations or groups. She explained unfortunately, Planning staff does not have the

time to undertake all of the suggested activities in recognition of Historic Preservation Month; however, the list was provided to the Commission as suggestions for them to consider.

Commissioner Rapp explained he would contact the Restoration Warehouse about potentially displaying “then” and “now” community photos in their gallery. Staff Member Carstens suggested the Commission consider forming subcommittees that can undertake some of these activities. Commissioner Wand suggested holding the May Commission meeting at the Hotel Julien. The Commission discussed the progress and status of the Hotel Julien project, noting what a great project it has become and the importance of the cornice to the building.

By consensus, the Commission directed Planning Services Staff to prepare a proclamation for Historic Preservation Month, pursue an opportunity to hold the May Historic Preservation Commission meeting at the Hotel Julien, prepare awards to be distributed at the May meeting, and write a letter to City Council requesting that they pose for a photograph in front of their favorite historic building with a “This Place Matters” sign.

Building Services Dept. – Status Report on Historic Preservation Enforcement

Staff Member Johnson reported on behalf of the Building Services Department that since the last meeting, there has been no progress on 950 Spruce Street.

He explained that Planning Services staff spoke with the new owners at 1163 Highland. He stated the new owners indicated that they will have the repairs to the porch and soffit made this spring. Commissioner Bichell noted that there was a typo in the date the property was purchased for the enforcement at 1163 Highland. She stated the date should be November 13, 2008.

Staff Member Johnson explained that the Housing and Community Development Department will be helping Ms. Rako in obtaining the necessary bids for the porch work at 1017 Bluff Street.

Staff Member Johnson stated the Building Services and Housing and Community Development Departments are continuing their inspection and enforcement at 1921 Madison Street.

He stated there is no new progress to report at 3000 Jackson. He stated the attorney for the property owner at 3040 Elm Street has requested a meeting that has yet to be set.

Staff Member Johnson stated a joint inspection will be completed concurrent with the annual Fire Department inspection at 1492 Locust Street.

For 1439 Bluff, Staff Member Johnson explained liens and priorities are still being sorted out in the courts. He explained once a title holder is identified, the Housing Department is

prepared to intervene and replace the porch and assess the new property owner. He explained Legal Services has made contact with one of the banks involved in the ownership of the building. The bank has explained that should they obtain ownership, they will repair the porch as soon as possible.

Staff Member Johnson reviewed that the property owner at 1175 Bluff made good progress in the fall, and Building Services Staff will continue to monitor progress to resume in the spring.

Staff Member Johnson explained the Housing and Community Development Department will continue enforcement at 1589-1591 Bluff Street.

Staff Member Johnson stated he had a recent conversation with Mr. Frederick at 515 Arlington Street, and Mr. Frederick stated he would have the required work to the transoms completed shortly.

Staff Member Johnson reported that the unfinished work to the front porch has placed 1689 Main Street back on the enforcement report list.

He explained the issues at 510 W. 11th Street were discussed as an item from the public at the meeting.

He explained that the property at 1392 Main Street was found in demolition by neglect for rotting wood on the soffit and fascia, broken window and peeling paint. He stated unless the peeling paint were to have lead in it, that most likely it will not be an enforcement issue for the Commission.

Staff Member Johnson explained that Robert Johnson and Bethany Golembeski have been added to the enforcement report for the incomplete exterior at 550 Arlington Street. He reported the property has gone without any form of siding or exterior protection for a long time.

Staff Member Johnson stated that the property at 1374 Main Street was found to be in demolition by neglect for having rotting wood on the soffit and fascia as well.


Commissioner Bichell questioned the status of the new windows scheduled to be installed at 637 Arlington since the windows have been missing for a while allowing water and the elements to enter the building. Staff Member Johnson confirmed an inspection of the building indicated that a number of windows on all faces of the building were missing and he would call Ms. Lott to find out when those windows would be installed. Commissioner Olson requested that if the windows are ordered, she place plastic coverings over the windows to keep the elements out of the building until such time as the windows can be installed. The Commission recognized that it is a temporary situation and the building is under construction. Commissioner Knight noted that the building has gone without

adequate protection for many years, and at least Ms. Lott has a plan in place for fixing the property.

Staff Member Carstens noted that because the building is residential, issues should be referred to the Housing and Community Development Department. She reiterated that the Historic Preservation Enforcement Report will continue to be provided to the Commission; however, compliance and enforcement referrals will be made as citizens directly to the Building Services Department or other appropriate department either in person, by phone or through the City's website. By consensus, the Commission agreed.

ADJOURNMENT: The meeting adjourned at 8:25 p.m.

Respectfully submitted,



Laura Carstens, Planning Services Manager

Adopted—April 16, 2009