

**MINUTES  
HISTORIC PRESERVATION COMMISSION  
WORK SESSION**

3:30 p.m., Thursday, June 18, 2009  
Room 223, Historic Federal Building

**Commissioners Present:** Chairperson Michael Knight; Commissioners Christine Olson, Joseph Rapp, Chris Wand, Matthew Lundh and Bob McDonell.

**Commissioners Excused:** Commissioners John Whalen, Eli Licht and Mary Loney Bichell.

**Staff Members Present:** David Johnson, Rich Russell, Jeff Zasada, Crenna Brumwell and Bob Boge.

**Public Present:** Peggy Stover and Andy Piper.

**CALL TO ORDER:** The meeting was called to order by Chairperson Knight at 3:30 p.m.

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

**WORK SESSION:**

**Boarded Up Windows and Doors Ordinance:** Staff Member Johnson reviewed the history of the Boarded-up Windows and Doors Ordinance. He explained the intent of the draft Boarded-up Windows and Doors Ordinance is to protect investment in the downtown and remove the blighting influence created by boarded-up windows and doors in Dubuque's downtown and neighborhoods.

Work session participants discussed the difficulty of defining vacant and abandoned buildings for partially occupied buildings. Building Services staff suggested removing the vacant and abandoned building portion of the draft ordinance to more effectively apply the intent of the ordinance and not allow boarded-up windows and doors on the street sides of properties located in historic and conservation districts. The Commission agreed.

The Commission discussed implementation strategies for the Boarded-up Windows and Doors Ordinance. Commissioner Lundh suggested a uniform enforcement approach. The Commission suggested initially limiting enforcement to historic districts only, and then expand to conservation districts. The Commission suggested allowing property owners subject to the Draft Boarded up Windows and Doors Ordinance one year for compliance. The Commission felt allowing property owners one year was adequate time to come into compliance with the ordinance without creating too great of an economic hardship on a

property owner. Staff Member Johnson noted that since the Ordinance is limited to historic and conservation districts, all property owners in those areas are eligible for the Historic Preservation Revolving Loan Funds to help finance the installation of appropriate windows.

Demolition by Neglect in Conservation Districts: Staff Member Johnson explained that City staff has been discussing ways to more effectively enforce demolition by neglect in conservation districts. He stated the City is in the process of preparing the Unified Development Code. He explained demolition by neglect in historic districts and conservation districts are part of the Code. He explained the Commission has reviewed and suggested changes to improve upon the sections of the Code. He stated City staff has identified the potential to improve upon the existing and proposed code language to more effectively enforce demolition by neglect in conservation districts.

Work session participants discussed the problems with enforcement of demolition by neglect in conservation districts. Staff Member Brumwell discussed the problems with interpretation of the ordinance. Staff explained they have researched how demolition by neglect is enforced in other cities, including New Orleans and Washington D.C. Staff explained that research indicates that the current criteria for demolition by neglect in historic districts for the City of Dubuque is commonly used for other cities in the country. Staff stated the demolition by neglect in historic district criteria would be beneficial to enforcement of demolition by neglect in conservation districts. The Commission suggested a uniform enforcement approach for demolition by neglect in historic districts and conservation districts that would use the same requirements and criteria.

Commissioner McDonell entered the meeting at 4:35 p.m.

Staff Member Brumwell suggested changing the language for demolition by neglect in historic and conservation districts to clarify that the building official will determine demolition by neglect. She explained that by doing so, much of the issue of interpretation will be removed from the process. Staff suggested adding a criterion which reads, "Deteriorated porches, hand rails, exterior stairs, decks, or inadequate foundations." Staff suggested adding another criterion to correct defects such as rotting holes and other forms of decay. Staff suggested a criterion to correct defects which leave a building or structure open or vulnerable to vandalism, decay from the elements, insect infestation, and animals.

The Commission discussed the proposed changes and was in agreement with staff's recommendations. The Commission was hopeful new language would improve demolition by neglect enforcement in conservation districts.

Commissioner Olson asked for the historic preservation enforcement report to be placed on the Historic Preservation Commission meeting agenda for discussion purposes. Staff Member Brumwell explained that would be fine, as long as Commissioners continue to make enforcement referrals as individual citizens, rather than acting in an official manner as a City Commission.

Commissioner Olson asked why enforcement takes so long. Staff Member Brumwell explained litigation takes a long time. She explained that new matters often arise after compliance with a different problem. She explained coordinating enforcement of multiple codes can take time. She explained if a property owner does not have the resources to fix a violation there isn't any legal action that will effectively and practically work to bring a property into compliance. She explained citations only work when a property owner has the means to be held to it. She explained the City has been thinking outside the box on enforcement to get repairs done.

**ADJOURNMENT:** The meeting adjourned at 4:50 p.m.

Respectfully submitted,



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David Johnson, Assistant Planner

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Adopted—June 18, 2009