



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Mattherw R. Schmitz, MPA – City Manager
FROM: Matt Chesmore, Building Official
DATE OF MEETING: December 2nd, 2024
ITEM TITLE: Department Report – Building/Code Enforcement

DISCUSSION:

Building Department:

In the months of October 1, 2024, and November 30, 2024, 61 Permits were issued.

Residential: 3-Building, 1- Building Moving, 1-Decking, 1-Demolition, 2-Driveway, 2-Excavation, 1-Fence, 6-HVAC, 3-New Construction, 5-Plumbing, 1-Remodel/Addition, 6-Roofing, 1-Sidewalk/Patio, 1-PV(Solar) 2-Street Excavation, 5-Water Heaters, 3-Window replacement

Commercial: 1-Building/remodel, 4-Beer/Liquor (renewal), 2-Concrete, 1-Demolition, 1-HVAC, 2-Plumbing, 3-Addition/Remodels, 1-Roofing, 2-Signs

Code Enforcement:

6 Letters of Violation were sent in October and November.

2 In October and 4 in November.

808 1st W – Is an ongoing 657A project; however, we have been advised that if the US Attorney requests this action be removed to Federal Court, the City's legal expense would drastically increase if the City wished to continue the action. A non-jury trial in District Court has been scheduled for January 15, 2025.

Other 657A: Staff has discussed additional abandoned properties in town that need to be remedied. We plan to schedule a closed session at the Dec. meeting to discuss these properties with the Council, including the possible litigation surrounding them.

Nuisance Property: A nuisance property located at 813 9th Street NE has been cited for violations regarding the International Property Maintenance Code and local Ordinances regarding the storing of Junk vehicles. I met with the owner (landlord) and found out she felt the City was violating her rights, stating the city had no right to regulate her "private" property. I explained that the City of Independence has adopted certain ordinances that can regulate private property as afforded by Iowa law. Once she de-escalated, she agreed to make repairs to the building but asked if the repairs could be held off until spring as she lived in Illinois, and with winter upon us, completing this type of work would be very difficult. I told her as long as she kept in contact and agreed to get the repairs completed in the spring, we would agree; however, if the work were not completed in a timely manner in the spring, then we would have no other recourse but to turn this over to our legal team and file a municipal infraction. I have scheduled a follow-up to this issue on April 1st, 2025.

She also said that she would resolve the junk car issue by either housing them in an enclosed building or having them removed.

812 10th Street NE – Derelict property

The city is currently gathering the costs incurred and will prepare to dispose of the property in the next few months.

Planning and Zoning:

The Planning and Zoning Commission met on October 1, where the Final MBH plat was approved and moved to recommend to the council they accept and approve. On November 5th, P&Z met again to discuss possible amendments to the “Signs” ordinance. The discussion was tabled until further research, information, and/or feedback could be acquired. The City of Independence currently has a moratorium on the enforcement of certain sign ordinances in certain “downtown” areas. Planning and Zoning Commission will reconvene on December 3rd, 2024, to discuss updates.

Board of Adjustments:

No Activity

Flood Plain Administration:

Hazard Mitigation Grant Program: Letters were sent out to 6 residents of Independence identified by FEMA as likely eligible for the FEMA buyout program. The context of the letter was only to survey interest in the program. Letters generated three responses, two of which were interested and one not. City staff are currently making efforts to enroll into FEMA’s portal as users so that we may transfer a Notice of Intent from Buchanan County Emergency Management to the City of Independence.

The information we have received indicates that the City would be responsible for 15% of the appraised value, including land and structure. The State of Iowa Emergency Management pays 10%, with FEMA covering the remaining 75%.

The Council should also be aware prior to authorizing the procurement of appraisal services; although the appraisal fees may be included in the pre-award costs, this is a 100% voluntary program, and if a property owner should at any time decide to disenroll, the City would be responsible for the cost of the appraisal and would not be reimbursed by FEMA or the State. Appraisal fees are estimated to be between \$300-\$500 dollars. It is also an assumption that the newly appraised value could be approximately 10% higher than the current assessed value.

Training:

10/10/2024 Attended the Eastern Iowa Construction Code Council (EICCC) Conference. This meeting was shortened as the time allotted was mostly designated for training on the 2021 IBC requirements for apartment buildings.