



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Mattherw R. Schmitz, MPA – City Manager
FROM: Matt Chesmore, Building Official
DATE OF MEETING: June 3, 2024
ITEM TITLE: Department Report – Building/Code Enforcement

Building Department:

In April and May, 66 Permits were issued.

Residential: 4-Building, 1-Deck, 2-Driveway, 10-Fence, 1-Garage, 2-HVAC, 3-New Construction, 21-plumbing permits, 2-Remodel, 1-BOA (denied), 9-Roofing, 2-Street excavation, 3-Window replacement

Commercial: 4-Remodel, 1-Roofing, 4-Beer/Liquor (renewal)

Note:

- 1) One commercial remodel permit is probably a duplicate of a permit that had previously been issued (114-116 1st St E). This is due to the need to create an ongoing record to document plans and inspections in Civic Gov as construction plans are changing and construction has not begun.

Construction of two new single-family residential homes has begun, located on 6th Avenue SE, near the swimming pool.

Construction of two new multi-family homes is continuing in the “At The Pines” addition on Hummingbird Court.

Code Enforcement:

44 Letters of Violation were sent in April (11) and May (33).

33 Violations have been resolved to date.

The most prevalent violation is overgrown grass and weeds. This is expected to be ongoing and will continue throughout the growing season. A Notice was published in the local newspaper in April and posted on the City’s website. Once a high grass/weed concern is confirmed, I send through regular mail an additional Notice of Violation with 7 days to have the violation resolved.

Ordinance 52, Section 52.08 allows The City to abate the violation. If the violation has not been resolved by the “resolve by” date listed on the Notice of Violation I notify the Parks and Recreation Dept. that the property is in violation and request they mow the property as soon as possible.

Resolution 2012-119 sets a fee to mow the property. Following ordinance 52.09, we are to invoice the property owner \$200.00 for the first mowing and increase it by \$100.00 for every mowing thereafter. If the property owner fails to pay the invoice within 30 days, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as general property taxes.

An item is on the agenda for this meeting to discuss updating resolution 2012-119 to set new fees as those are quite old. Additionally, the fee structure needs to be updated to allow the City to procure mowing service(s) and charge the actual cost, plus an administrative fee. Hiring a contractor may reduce The City's liability as through the procurement process, we would require the mowing contractor(s) to carry a minimum property damage liability policy and not overwhelm or put the Parks and Recreation Department in harm's way.

812 10th Street NE – Derelict property

On or about March 24, 2024, the City obtained ownership of this property utilizing Iowa State Code 657A where the property was determined to be abandoned and had become an unsafe property.

Efforts are now in motion to survey the property to determine if it has any asbestos-containing materials on-site and if so, request proposals to abate those hazards. Once these tasks are complete the City Manager and Building Official will decide if the property would be more feasibly demolished by hired contractor or by utilizing existing City resources. We currently believe that having the Streets Dept. demolish the structure, while keeping track of time and materials, will be the cheapest option, but we want to look at all options before making a final decision.

The cost for abatement of this property is expected to be returned to the City once the parcel is disposed of. Please keep in mind that the expenses to obtain the property, which includes legal fees, asbestos survey, asbestos abatement, demolition of structure(s), and general landscaping to make this a buildable parcel, typically will outweigh the property value and therefore the City will initially see a loss. However, the loss is typically recovered over time through a new home valuation and taxation. I would support the sale of this property at a lower cost, however only with a development agreement stipulating a new dwelling be placed on the parcel within one year of the transfer of title. If the parcel was to be sold without a development agreement, then it should be sold at fair market value.

Planning and Zoning:

The Planning and Zoning Commission met on May 7, 2024, where the reduction of setback requirements for zoning districts C1, M1, and M2 were discussed. Staff recommended that the rear setback be reduced to a zero-foot setback with the exception that if a C1, M1, or M2-zoned parcel was abutting an R-zoned parcel, the parcel setback should be fifteen (15) feet. After careful consideration, the board moved to recommend to the Council approval of the revision to the bulk requirements. At the regular City Council meeting on May 28th, 2024, a public hearing was set for June 10th, 2024, at 5:00 pm to hear any public comments.

Board of Adjustments:

The board of adjustments met on May 7th, 2024, to discuss a request for a zoning setback variance.

As was outlined by the City Attorney Doug Herman, for a variance to be granted the landowner must satisfy all three parts of the "Golden Rule Test" for variances:

1. The land in question cannot yield a reasonable return if used only for the purpose allowed in that zone.
2. The plight of the landowner is due to unique circumstances and not to general conditions in the neighborhood.
3. The use to be authorized by variance will not alter the essential character of the locality.

After discussion and careful consideration, the Board of Adjustments denied the variance request. The City Attorney made it fairly clear that in almost all instances, variances should be denied as it is very difficult to meet "Golden Rule Test".





Flood Plain Administration:

No discussion

Training:

Iowa League of Cities hosted its annual conference on May 23, 2024, in Indianola Iowa this year. The conference focus was Nuisance Abatement. I attended 4 sessions regarding the legal requirements of the municipal infraction process as well as notice requirements. We found through a poll of the cities that one city was charging \$250 an hour to mow a long grass violation. This person said they, unfortunately, felt as if they were in the mowing business and the cost was not deterring the violations, so they were looking for alternative solutions. Many other communities were at the \$200.00 per mow cost while others were significantly lower.

2024 Nuisance Abatement Conference
Simpson College, Indianola
May 23, 2024

10-10:45 am 	Opening General Session The conference begins with a facilitated discussion on how to strategically plan for your city's nuisance abatement efforts and identify ways to be proactive in community development. <i>Speaker: Mickey Shields, Iowa League of Cities</i> Principal Black Box		
11 am-Noon (concurrent workshops) 	Advanced Enforcement Tools in Municipal Nuisance Abatement <i>Speakers: Patrick O'Connell, Doug Herman, Steve Leiding, and Daniel Morgan, Lynch Dallas</i> Principal Black Box	Essential Environmental Due Diligence for Nuisance Properties <i>Speaker: Jon Reis, Impact7G</i> Hubbell South	Setting Your City Up for Success with Strong Codes and Procedures <i>Speaker: Maria Brownell, Ahlers & Cooney</i> Carse Classroom
Noon-1 pm	Lunch Principal Black Box		
1-2 pm (concurrent workshops) 	Tips for Dealing with Problem Properties <i>Speakers: Patrick O'Connell, Doug Herman, Steve Leiding, and Daniel Morgan, Lynch Dallas</i> Principal Black Box	Financing Considerations for Nuisance Abatement and Redevelopment Projects <i>Speaker: John Danos, Dorsey & Whitney</i> Hubbell South	Old Buildings, Structural Engineers, and What to Do Next <i>Speaker: Sam Brockshus and Derek Johnson, ISG</i> Carse Classroom
2:15-3 pm 	Closing General Session Building an Effective Code Enforcement Process in Indianola <i>Speaker: Charlie Dissell, Indianola</i> Principal Black Box		

**The conference has been approved for 3.5 hours of IMFOA training credit (flex hours) and 3.5 hours of continuing legal education (CLE).*