



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Mattherw R. Schmitz, MPA – City Manager
FROM: Matt Chesmore, Building Official
DATE OF MEETING: April 7, 2025
ITEM TITLE: Department Report – Building/Code Enforcement

DISCUSSION:

Building Department:

Between February 1, 2025, and March 31, 2025, 44 Permits were issued.

(see permit report for individual permit uses)

Code Enforcement:

1 Letter of Violation was sent during February and March

808 1st W – This 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 expenses would drastically increase if the City wishes to continue the action. A non-jury trial in the District Court has been scheduled for September 3, 2025. As this matter has been in process for some time, a default hearing is scheduled for April 15, 2025, in Buchanan County Court, and our attorney will be present.

Other 657A: Staff has had discussions regarding the desire to file a 657A(10)(B) action on two abandoned properties, 209 3rd St NE, owned by USDA, and 416 9th Ave SE. 209 3rd Street NE is a federally owned property that has been abandoned for at least six months. Likewise, 416 9th Avenue SE has also been abandoned for at least six months. Both have had code enforcement violations in 2024; therefore, staff is considering proceeding with 657A proceedings. Proceeding would be to authorize the City Attorney to begin accruing expenses related to the acquisition of these properties. We would appreciate the Council's input on this matter before proceeding.

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 had 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 her, completing this type of work would be very difficult. I told her if she kept in contact and agreed to get the repairs completed in the spring, we would agree, however if the work was 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.

Update: The junk vehicle was resolved on April 1st, 2025

Mowing Ordinance: With spring around the corner, staff published a Public Notice on March 22, 2025, regarding an ordinance pertaining to junk material, junk vehicles, and the mowing of property.

812 10th Street NE – Derelict property

Staff are starting the steps for the Council to approve the sale of this property.

Planning and Zoning:

Planning and Zoning met on February 4, 2025, where it was recommended to City Council to accept and approve a Plat of Survey for a Boundary Line Adjustment located at 401 6th Ave SW, pending a development agreement that stipulates the removal of the detached garage by July 1, 2025. Additionally, on February 4, 2025, a motion was made to continue the review of the Article 17 Signs ordinance. Amendments were made to Article 17 and given to the City Manager for review.

Board of Adjustments:

No Activity

Flood Plain Administration:

Hazard Mitigation Grant Program: Properties at 67 10th Street NE and 45 8th St NE have enrolled in a flood buyout program where values were appraised at \$18,224.00 and \$117,000.00, respectively. The local match (15%) of the buyout includes all expenses; therefore, the local match would be approximately \$6,843.60 and \$21,660.00, respectively, totaling \$28,503.60. Final buyout numbers will need to be verified with FEMA and the Dept. of Homeland Security, but these figures should be very close to actual buyout costs.

The City Council will need to decide whether to fund the local match. If so, then staff in a future Council meeting will ask the Council for approval of a resolution approving the cost share. If the City cannot fund, or chooses not to fund, the local share, then funds would need to come from other sources such as Federal CDBG-R or private funds. At this stage of the application process, we are uncertain whether CDBG-R funding will be available.

Training:

February 25, 26, and 28, 2025, I attended EduCode Virtual continuing education classes. Classes were primarily focused on building code updates and techniques for efficiently navigating the various code books.

On February 27, 2025, I attended the Iowa Association of Building Officials (IABO) class “When Disaster Strikes” in Cedar Rapids, Iowa.

This class was designed for emergency management personnel and building professionals to learn about the procedures to follow in the event of a disaster.