



City of Oelwein  
International code council  
Board of Appeals  
October 1, 2019

The October 1, 2019 meeting of the City of Oelwein International Code Council Board of Appeals was called to order at 5:30 P.M.

PRESENT: Benter, Kerns, Lumbus, Cockerham, Miller

ALSO PRESENT: Jay Shekleton, Jill Dillon of Dillon Law

Approve Minutes A motion was made by Kerns, seconded by Miller to approve the minutes of the May 6, 2019 meeting. All voted aye.

Motion Carried

Future Meetings Following discussion a motion was made by Lumbus, seconded by Benter to schedule future meetings at 5:30 P.M. with a seven (7) day notice. All voted aye.

Motion Carried

Otter Creek Appeals Calvin Moss, owner of Otter Creek was present along with Property Manager Noel Coleman and Maintenance Staff Gary Lambert and several maintenance personnel.

Moss has filed an appeal asking that 'No Show' and 'Failed Inspection' fees be waived. He stated Otter Creek is a large apartment complex with 15 buildings and 56 rental units.

Shekleton stated inspection notices are mailed giving the owner and/or owners' agent 14 days notice. He stated he has shown up multiple times and has had to call the Property Manager but can't always make contact. Kerns questioned who is a duly authorized agent if the tenant is not there. Shekleton replied it is usually Gary or Dan. It must be someone over the age of 18.

Moss believes his maintenance staff is working as quickly as possible to bring the units into compliance. He stated he has four maintenance workers working 60 hours per week and has spent over \$50,000. They are not ignoring the work.

Cockerham confirmed owners have sixty days to correct a failed inspection. He felt the repairs were small and should be able to get them completed within that time frame.

Kerns feels the documentation is sufficient and annotated well. He questioned if the pictures were available to the owner. Shekleton said if the owner requests copies he will forward them.

Moss was questioned if he has tried to bring in more contractors. Coleman said she has called multiple contractors, but none have the time. Ideally, they would like to complete one building and then move to the next.

Since this appeal has been filed more fines have been assessed and Moss would like to have those include.

Kerns stated we need to deal what is before us. Options are to waive all the fees, say no to all and enforce the fees as is or an option somewhere in between that works. Cockerham felt if we start waiving penalties many more appeals will be filed.

A motion was made by Miller, seconded by Benter to deny the appeal.

Ayes: Benter, Kerns, Lumbus, Cockerham, Miller

Nays: None

Motion Carried

The Mealey Appeal

BBV, LLC by Travis Bushaw is appealing the late fees on the transfer of ownership. BBV, LLC purchased The Mealey at 102 South Frederick and failed to register the transfer of ownership within 30 days.

Shekleton reviewed the Rental Policy re: transfer of ownership. The policy does not provide for a penalty if the transfer is not made within 30 days of ownership.

A motion was made by Lumbus, seconded by Benter to enforce the \$910 rental registration and not impose the late fees of \$10,200. All voted aye.

Motion Carried

Adjourn

A motion was made and seconded to adjourn at 6:56 P.M.

Respectfully,

Jay Shekleton,  
Building Official