



TENTATIVE AGENDA
OTTUMWA CITY COUNCIL

SPECIAL MEETING NO. 13
Council Chambers, City Hall

April 27, 2021
5:30 O'Clock P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Member Dalbey, Roe, Stevens, Meyers, Berg and Mayor Lazio.

APPROVAL OF AGENDA

IDENTIFICATION OF CITIZENS DESIRING TO COMMENT ON AGENDA ITEMS:

(When called upon by the Mayor, step to the microphone; state their name, address and agenda item to be addressed. The Mayor will invite you to address the Council when that topic is being discussed. Remarks will be limited to **three minutes or less**. The City Clerk shall keep the time and notify the Mayor when the allotted time limit has been reached. Comments are to be directly germane to the agenda item being discussed; if not directly germane as determined by the Mayor will be ruled out of order.)

All items on this agenda are subject to discussion and/or action.

1. Overview of Current Process for and Related to Nuisances and Code Enforcement
2. Reflection and Discussion of Best Practices
 - A. What is working and should do more?
 - B. What is not working and want to change?

RECOMMENDATION: Open discussion on all items listed above.

PUBLIC FORUM:

The Mayor will request comments from the public on topics of city business or operations other than those listed on this agenda. Comments shall not be personalized and limited to three minutes or less. Comments not directly applicable to operations, inappropriate, or an improper utilization of meeting time, as determined by the Mayor, will be ruled out of order. When called upon by the Mayor, step to the microphone; give your name, address and topic on which to address the Council. The Council is not likely to take any action on your comments due to requirements of the Open Meetings Law. Pertinent questions, comments or suggestions may be referred to the appropriate department, city administrator or legal counsel for response, if relevant.

ADJOURNMENT

***** It is the goal of the City of Ottumwa that all City Council public meetings are accessible to people with disabilities. If you need assistance in participating in City Council meetings due to a disability as defined under the ADA, please call the City Clerk's Office at (641) 683-0621 at least one (1) business day prior to the scheduled meeting to request an accommodation. *****



[CITY OF]
OTTUMWA

FAX COVER SHEET

City of Ottumwa

DATE: 4/23/21 TIME: 10:00 AM NO. OF PAGES 2
(Including Cover Sheet)

TO: News Media CO: _____

FAX NO: _____

FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: Tentative Agenda for the Special City Council Meeting #13 to be held on
4/27/2021 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO. 3351
DEPT. ID 4717
PGS. 2
TX INCOMPLETE -----
TRANSACTION OK 96847834
916606271885
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DEPT. ID 4717
ST. TIME 04/23 09:59
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MEMO: Tentative Agenda for the Special City Council Meeting #13 to be held on 4/27/2021 at 5:30 P.M.

CITY OF OTTUMWA
Staff Summary


**** ACTION ITEM ****

Council Meeting of: Apr 27, 2021

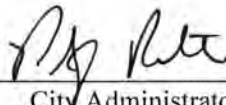
Building and Code Enforcement
Department

Zach Simonson

Prepared By

Zach Simonson 

Department Head



City Administrator Approval

AGENDA TITLE: Overview of Current Process for and Related to Nuisances and Code Enforcement. Reflection and Discussion of Best Practices.

Public hearing required if this box is checked.

RECOMMENDATION: Open discussion of all items listed above.

DISCUSSION: Staff has prepared the attached presentation to guide an open discussion around Code Enforcement. This discussion will look at 4 primary activities: nuisance enforcement, housing code enforcement, new construction permitting and inspection and communication. The discussion around each of these areas will focus on answering the following questions:
1. What is working that we should do more of?
2. What is not working that we want to change?

Source of Funds:

Budgeted Item: Budget Amendment Needed:

CODE ENFORCEMENT WORK SESSION

Ottumwa City Council
Tuesday, April 27, 2021



AGENDA

- Why Code Enforcement?
- Who are we?
- What do we do now?
 - What works that we want to do more of?
 - What doesn't work that we want to change?
- Where do we want to go from here?
- How do we get there?



WHY CODE ENFORCEMENT?

- Inspection Types
 - Nuisance Code
 - Housing Code
 - New Construction
- Safety and health
- Peaceful enjoyment of property
- Property values
- Sense of pride, place, neighborhood identity



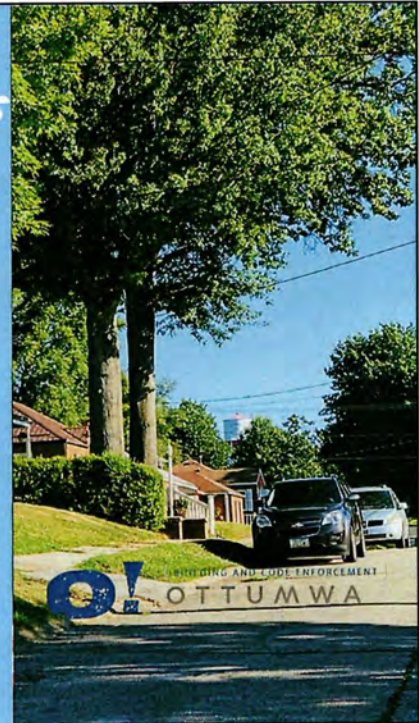
ROLE OF PERSONAL PROPERTY RIGHTS

- Cities are able to exercise police powers for the health, safety and general welfare of the community.
- Property owners hold their property subject to the city's police power.
- However...
 - Private property shall not be taken for public use without just compensation first being made (Iowa Const. Art. 1 Sec. 18 & US Const. 5th Amend.)
 - Procedural due process is required when the city threatens to deprive a person of a protected liberty or property interest (US Const. 14th Amend.)



ROLE OF PERSONAL PROPERTY RIGHTS

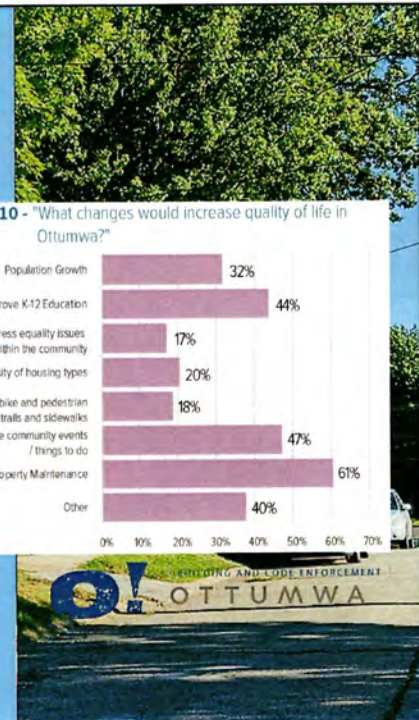
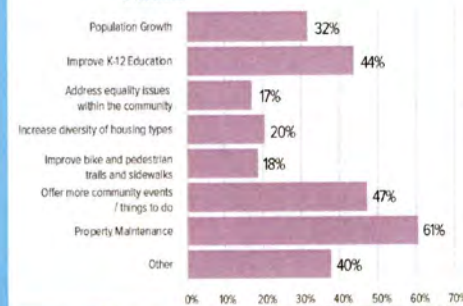
- Before a city can declare a property a nuisance and order its abatement in a non-emergency situation, the city should inform the property owner of the city's declaration that a property is a nuisance, inform the owner of what the owner must do to prevent the city from abating the nuisance at the owner's expense, and provide the owner with a hearing to contest the declaration and abatement order. Meyer v. Jones, 696 NW2d 611, 614 (Iowa, 2005).
- City's property, building and nuisance codes are minimum standards to promote health, safety and welfare of community.



OUR OTTUMWA COMP PLAN

- 1b: Annually identify and target neighborhoods for cleanup assistance, code enforcement, nuisance abatement and demolition of dilapidated structures
- 1c: Create neighborhood identity and branding program to promote the creation of positive neighborhood identities and neighborhood groups focused on the improvement and celebration of their neighborhood
- 1d: Develop a home maintenance and improvement program to assist homeowners and landlords in fixing and improving their homes
- 1h: Improve community outreach and communication regarding home improvement and housing assistance programs available to Ottumwa residents and residential developers

Figure 3.10 - "What changes would increase quality of life in Ottumwa?"



WHO ARE WE?

- Building Inspectors
 - Jake Rusch
 - Jeff Hamann
- Housing and Code Enforcement Inspector
 - Jeremy Lipe
- Clerks
 - Cathy Shepherd
 - Keelie Johnson
- Director of Community Services
 - Interim Building and Code Enforcement Director



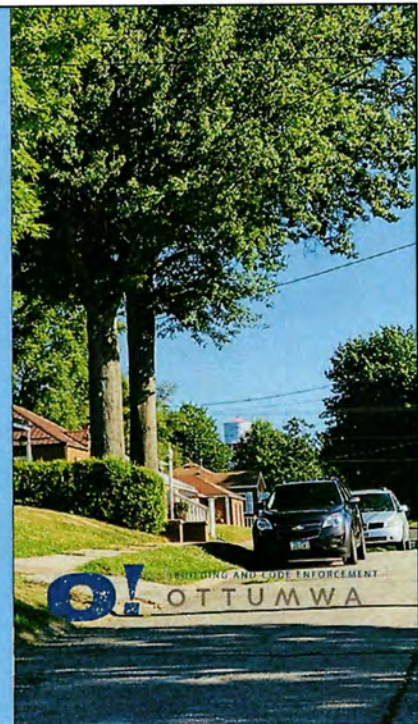
WHAT WE DO?

- Inspection Types
 - Nuisance Code
 - Housing Code
 - New Construction
- Plan Review
- Maintain records
 - Case files
 - Permit information
- Public communication/education
 - Complaint process
 - Code requirements



NUISANCE CODE

- Inspections
 - What do we do
 - What works/What could change
 - How to we make those changes
- Enforcement
 - What do we do
 - What works/What could change
 - How to we make those changes



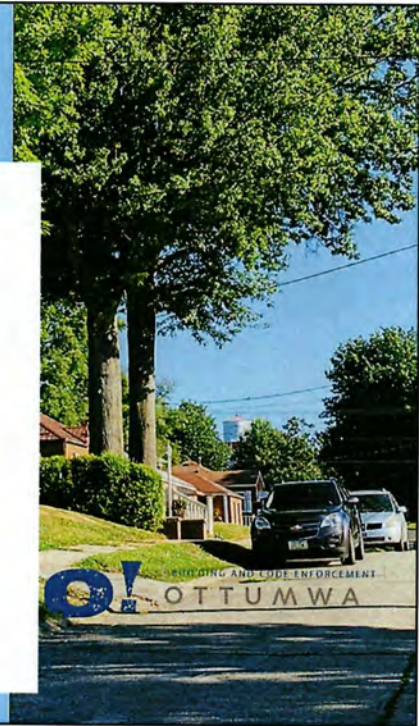
NUISANCE CODE INSPECTIONS

- One full-time Housing and Code Enforcement Inspector and one Seasonal Code Enforcement Inspector
- Complaint vs canvass
- Initial inspection
- Identify violation
 - "Whatever is injurious to the senses or an obstruction of free use of property so as to essentially interfere with the comfortable enjoyment of life or property by the public or community."
 - Chapter 24
- Notice of violation



NUISANCE CODE NOTICES

- What works?
 - Inspectors
 - Clerks
 - Clear communication
 - Organization
- What could change?
 - Types of notice
 - iWorQ
 - Hearing procedure
 - Code updates



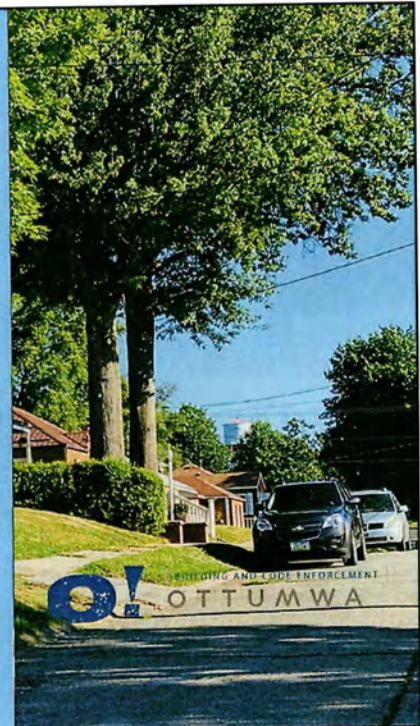
IWORQ IMPROVEMENTS

- Technology improvements
- Training to empower inspectors
- Transition to totally or partially paperless
 - Generate notices in iWorQ
 - Track cases in iWorQ
- Share information about Public Portal



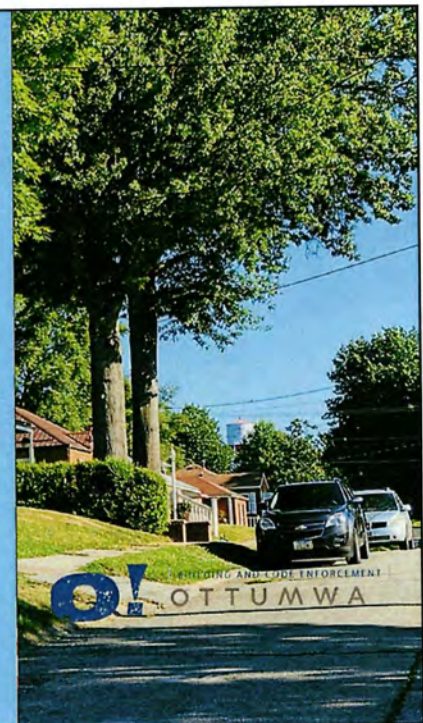
HEARING IMPROVEMENTS

- Iowa law requires notice to give an opportunity for a hearing
- Adopt an ordinance to spell out that hearing process clearly in the code
- Property owners who object to nuisance notice have the right to a hearing with the Department Director
- Director's decision can be appealed to Board of Health

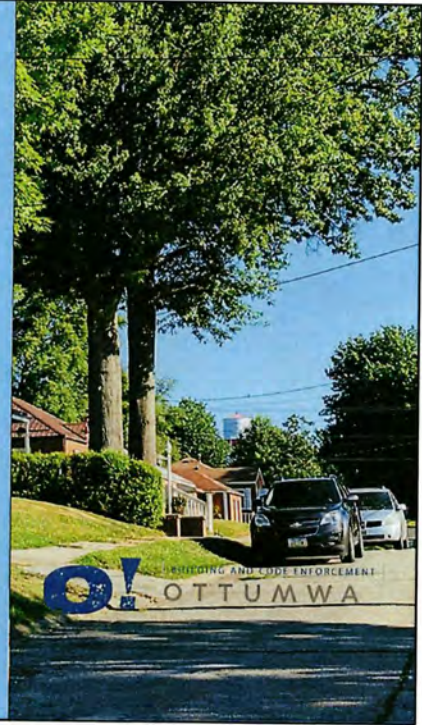


CODE UPDATES

- Update Junk Motor Vehicle Code
 - Change from unlicensed to "not displaying a current license as required by state law"
 - Tighten standard for inoperable/damaged
 - Vehicles that have not moved for 10 days
- Parking in the front yard
 - Include street side yard



NOTICE OF VIOLATION



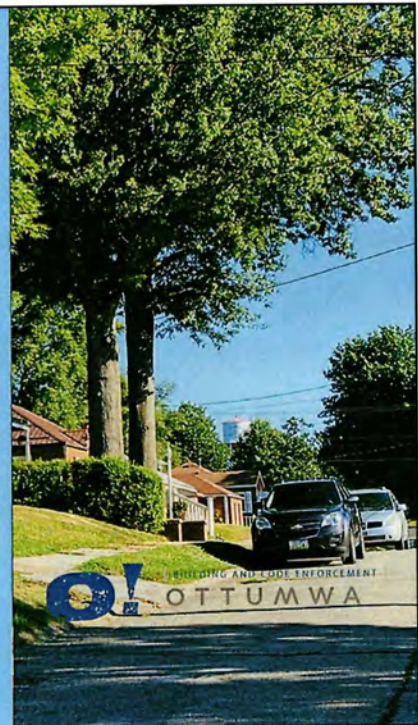
NUISANCE ENFORCEMENT

- Check on progress after notice expires.
- Options for Inspector with room for discretion:
 - Send a final notice
 - Issue citation
 - Order an abatement action
- Case is open until resolved



NUISANCE ENFORCEMENT

- What works?
 - Cases are open until resolved
 - Attorney's prevail in most citation cases, can obtain court orders
 - Inspectors treat cases fairly and consistently
- What could change?
 - Clarify extension policy to shorten case durations, involve more stakeholders and set expectations
 - Improve penalty system
 - Take action with habitual offenders

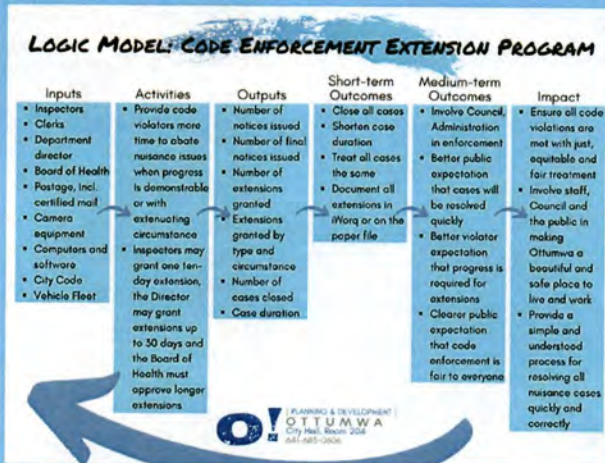


EXTENSIONS

- Extensions cause open case durations to stretch on for weeks
- Some cases require more time than others
- Adopt policy to set a specific standard for extensions
 - Inspector can grant one 10-day extension
 - Director can grant up to two 10-day extensions
 - Further extensions must be approved by the Board of Health
- Include in the policy that extensions require progress made or a showing of good cause



EXTENSIONS



HABITUAL OFFENDERS

- Adopt a policy or ordinance with clear standards for what constitutes a habitual offenders
- Adopt a policy of routine inspections until pattern of violation is resolved.
- Use civil citation process or other court orders to obtain judgements that allow abatement activities on habitually violating properties without additional notice

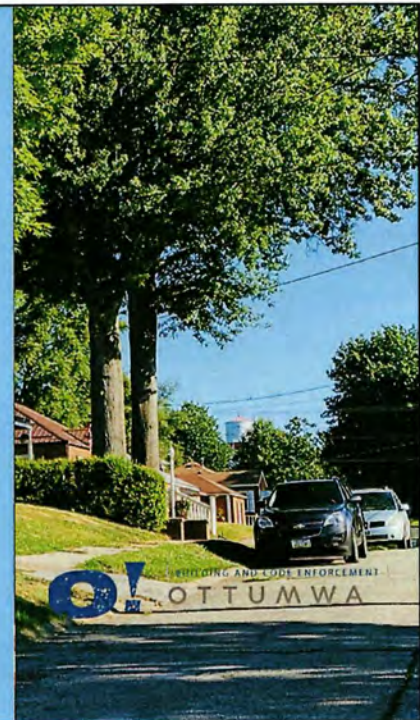
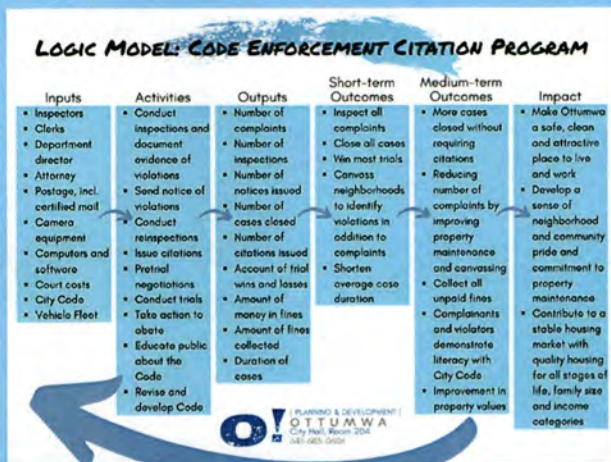


PENALTIES

- Current civil citations require the City to pay \$95 court costs up front and have limited ability to collect fine or deterrent effect
- Work with attorney to improve citation program or identify citation program alternatives
- Make use of lis pendens to attach violation to property
- Obtain judgements or consent agreements and hold violators in contempt



PENALTIES



NUISANCE ENFORCEMENT RECAP

- What works?
 - Inspectors pursue every case until closed
 - Inspectors enforce the code fairly and equitably
 - Inspectors and clerks communicate clearly and patiently with violators and complainants
 - Inspectors have good understanding of the nuisance code
 - Citations produce court orders
- What could change?
 - Codify and following hearing procedures
 - Codify and follow extension procedures
 - Improve technology to be more efficient, effective and transparent
 - Create a penalty system that works as an effective deterrent
 - Adopt a policy that addresses habitual violators



HOUSING CODE ENFORCEMENT

- Rental inspection program
 - All rental units must be registered and inspected every three years
 - Inspectors identify deficiencies on inspection and provide 30 days to correct
- Derelict property program
 - Typically complaint driven, sometimes canvassing or rental inspections produce cases
 - Inspector prepares notice to correct
 - If not resolved, Inspector may placard property as unfit for habitation
 - Property owner must provide and follow a repair plan to cure all deficiencies before placard will be released
 - Unresolved issues may result in condemnation or 657A case



RENTAL INSPECTION PROGRAM

- What works?
 - International Property Maintenance Code
 - All Inspectors are knowledgeable about rental code and housing code standards
 - Reputation for being fair with landlords and tenants
- What could change?
 - Notice of change of ownership
 - Local contact information
 - Increase frequency of inspections for low-performing units



NOTICE OF OWNERSHIP CHANGE

- City Code requires sellers to give notice of change of ownership of rental property within 30 days
- The Department should make a policy to give notice of this requirement clearly on annual rental permit bills and rental permit documents
- Charge an appropriate fee or fine for failure to disclose ownership sale



LOCAL CONTACT INFORMATION

- The Code requires owners of rental property to provide the name and contact information of a person over the age of 18 who actually resides or customarily keeps an office in the City for inspections and for receiving documents
- The Department should make a policy to give notice of this requirement clearly on annual rental permit bills and rental permit documents
- Charge an appropriate fee or fine for failure to provide accurate information



INSPECTION FREQUENCY

- Currently all units are inspected every three years
- By policy or ordinance, the Department could require inspections every year for properties that have violations over a certain amount until they complete an annual inspection under the violation limit
- Charge an appropriate inspection fee for annual inspection
- Department is already behind schedule on rental inspections



DERELICT PROPERTY ENFORCEMENT

- What works?
 - Inspectors are knowledgeable about the Housing Code and enforcement.
 - International Property Maintenance Code
 - Attorneys are successful in 657A cases
 - Consistent number of properties for demolition
- What could change?
 - Standardize extensions
 - Require notice of sale
 - Incentives to avoid property becoming derelict



STANDARDIZE EXTENSIONS

- Similar to nuisance change
- City Code requires a repair plan not to exceed 6 months and allows the Director to grant two extensions for a total of 18 months
- Cases that extend past six months require extensions to be granted by the Board of Health
- Adopt a policy requiring progress or a showing of good cause to grant extension



NOTICE OF SALE

- Sale of placarded properties slows down renovation more than any other cause and is the most common reason for long case durations
- Pursue options with City Attorney regarding notice of sale
- Identify process improvements that will 'catch' transfers more quickly



NEW CONSTRUCTION

- Inspectors receive permit application including plans
- Inspectors review plan and approve application, clerks receive fees, file records and issue permit
- Permittee schedules required inspections
- Inspectors okay each phase of a project before issuing final certificate of occupancy



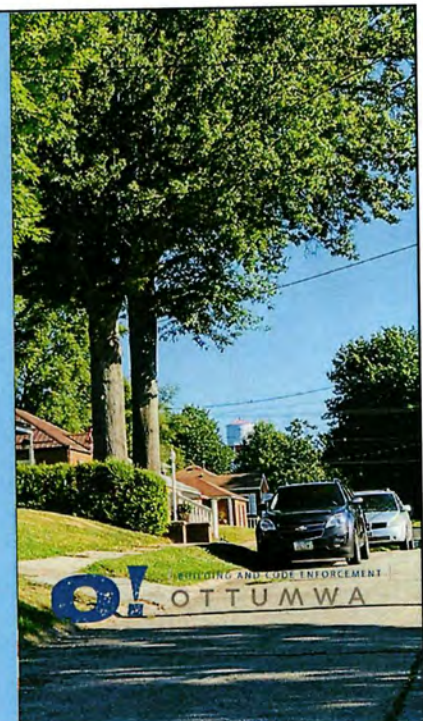
NEW CONSTRUCTION

- What works?
 - Inspectors accurately review plans and issue permits
 - Inspectors are available for inspections, even with limited notice
 - Inspectors verify that new work is correct and meets the standard for safe development
 - iWorQ software enables Clerks to accurately calculate fees, keep records and issue permits
- What could change?
 - Public education about the code
 - Field technology to providing inspection reports
 - Stopping work done without permit



OTTUMWA CODE ENFORCEMENT COMMUNICATION AND TECHNOLOGY IMPROVEMENT PROGRAM

- Four field inspection kits
 - Tablet
 - Mount, keyboard and printer
 - Software
 - Digital code books
 - Training
- Public information kiosk as City Hall
 - Digital code books
 - Access to Public Portal
- Investigating grant sources



WORK WITHOUT PERMIT

- Education
- Double permit fee
- Investigation



PUBLIC COMMUNICATION

- Use this meeting and the subsequent code and policy updates to generate public attention
- Leverage earned media
 - Calendar for media releases
 - Issue releases for major events
- Use social media
- Expand involvement for Board of Health
- Emphasize the Public Portal



COMMUNICATION

Reminder

City Code requires property owners to keep grass and weeds below 10 inches. Failure to comply could result in citations or fines may be imposed by the City at the violator's expense.

FOR QUESTIONS OR TO REPORT VIOLATIONS

 OTTUMWA
MAKE OTTUMWA SHINE

841-581-0600
www.ottumwaia.com
 Thank you.

Reminder

City Code prohibits outdoor storage of unlicensed and inoperable vehicles. Junk metal or other substances may result in citation or vehicle may be towed at the violator's expense.

FOR QUESTIONS OR TO REPORT VIOLATIONS

 OTTUMWA
MAKE OTTUMWA SHINE

841-581-0600
www.ottumwaia.com
 Thank you.



Reminder

City Code prohibits parking in the front yard. Parking in the front yard may result in citation or vehicle may be towed at the violator's expense.

FOR QUESTIONS OR TO REPORT VIOLATIONS

 OTTUMWA
MAKE OTTUMWA SHINE

841-581-0600
www.ottumwaia.com
 Thank you.



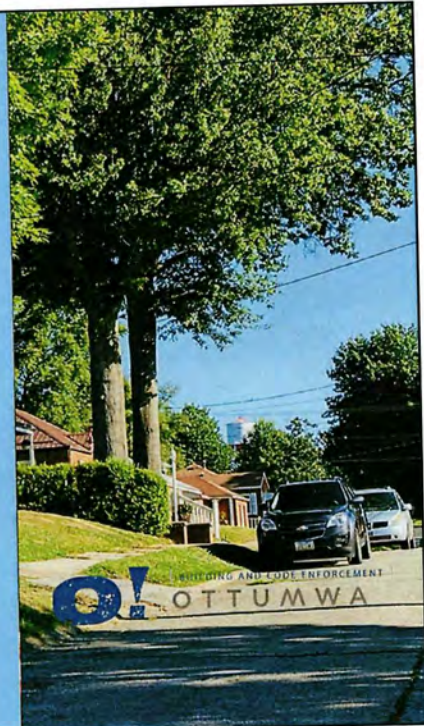
Reminder

City Code prohibits leaving outdoor items, such as, refuse, rubbish and debris in the yard. Public nuisance violations can result in citation or clean up action at the violator's expense.

FOR QUESTIONS OR TO REPORT VIOLATIONS

 OTTUMWA
MAKE OTTUMWA SHINE

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www.ottumwaia.com
 Thank you.

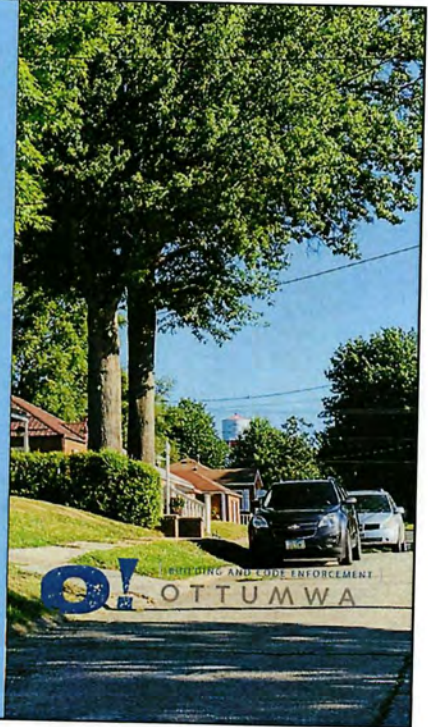
ORGANIZATIONAL COMMUNICATION

- Share reports
- Communicate between Departments
 - Seek complaints from anyone
 - Encourage other Department staff to send photo with complaint to complete initial inspection
- Share successes
- Collaborate on cases



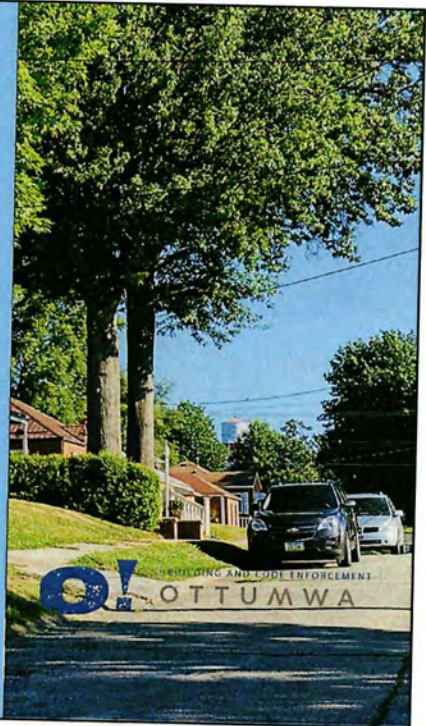
INSTITUTIONAL SUPPORT

- Does the level of interest in improving code enforcement match the level of support given to code enforcement?
- There are only three Inspectors and two Clerks working very hard to meet program goals
- There are 11 thousand dwelling units in Ottumwa



DISCUSSION

- Where do we want to go?
- How do we get there?



Implementation

Goals and Action Items

| No. | Goal/Action Item | Priority | Timeframe | Entity Responsible |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------|------------------------------------|
| 1 | Ensure all code violations are met with just, equitable and fair treatment | | | |
| a | Set clear hearing process in the Code and policies, provide information about that process on notices and involve Board of Health in appeals. | Urgent | 3 months | Director, Administration, Council |
| b | Standardize extensions to shorten case durations and set expectation that good cause will demonstrated to justify extensions. | Regular | 3 months | Director, Staff |
| c | Work with City Attorney to develop a policy or ordinance to address habitual offenders | Urgent | 6 months | Attorney, Director |
| 2 | Provide a simple and understood process for resolving code violations quickly and correctly | | | |
| a | Update Junk Motor Vehicle and Parking in Yard Ordinance | Regular | 3 months | Director, Attorney, Council |
| b | Update policy and forms to enforce local contact information and notice of change of ownership requirement for rental program | Regular | 1 year, next rental billing | Director, Staff |
| c | Work with City Attorney to improve penalty program by maximizing the utility of civil citations and/or exploring alternatives | Regular | 6 months | Attorney, Director |
| d | Explore rental inspection frequency changes to inspect low-performing rental units annually until improved | Regular | 6 months | Director |
| e | Address issue of work done without permit by improving public education and regularly charging investigation fee | Regular | Ongoing | Director, Staff |
| 3 | Improve Public and Organizational Communication | | | |
| a | Outfit inspectors with field inspection kits including tablet, vehicle mount, keyboard and printer | Regular | 3 months | Director, IT Manager |
| b | Purchase and use searchable electronic codebooks | Regular | Ongoing, at next code cycle | Director, IT Manager |
| c | Install publicly available information kiosk with electronic codebooks and access to Public Portal | Regular | 1 year | Director, IT Manager |
| d | Use the Council work session and Code Enforcement plan to generate public attention around Code Enforcement | Urgent | Immediate | Director, Administration |
| e | Leverage earned media by creating a media release calendar to facilitate coverage for seasonal Code notices | Regular | 3 months | Director |
| f | Make better use of social media by providing regular updates and providing opportunity for public feedback | Regular | Ongoing | Director |
| g | Improve organizational communication by sharing reports, seeking information about violations from other departments and collaborating on cases | Regular | Ongoing | Director, Staff, Other Departments |