

Community Compliance Subcommittee Meeting Minutes

October 19, 2020

Present: Greg Hudson, Council Member
Kevin Trevillyan, Council Member
Joe Cory, Deputy Public Services Director
Jessica Spoden, Assistant City Attorney
Officer Herrera, West Des Moines Police
John Cutler, Legal representative for the neighbors of 821 Ashmore Cir.

The meeting was called to order at 4:31 PM. Councilman Greg Hudson facilitated the meeting.

1. **Review of minutes from July 20, 2020**

Approval of minutes – Moved by Councilman Hudson, seconded by Councilman Trevillyan

2. **821Ashmore Circle Update:**

Issue Summary:

The house was treated four times with the last treatment on August 6, 2020, and they found only one bug. After that treatment, the resident told us he is done cooperating with the City voluntarily. Until this week we have had no complaints or contact with the resident but had hopes that the treatments were productive and took care of the issue.

We received a complaint on Monday, October 12, 2020, from the neighbor that Mark has no power, and he is getting cockroaches again. We have made repeated attempts to get in touch with Mark, but he has been non-responsive, and staff has not been able to confirm the condition of the house. Officer Graham conducted a welfare check on the residence on October 11, 2020 and reported he did not see any bugs, but he also was not looking for them.

Our options are limited, from a legal perspective:

1. Voluntarily treat under administrative abatement
2. Get a court order to abate
3. Take no further action

Officer Herrera has a good rapport with Mark and said he is willing to talk to him again to try to get him to cooperate with City staff and the pest control company. Assistant City Attorney Spoden recommended attempting to get an administrative search warrant to allow the pest control company to enter the house to verify the presence of bugs, and if that is unsuccessful, to seek a court order for entry.

Direction: Councilmembers agree with staff recommendation.

3. 633 17th Street Update

Issue Summary:

Complaints that the resident runs a business working on vehicles has been reported as well as other nuisance issues. Menardo Cruz Vasquez purchased the property in 2013 via contract sale and now owns the property outright. The reviews of the complaint when Community Compliance get there range from in compliance, no infraction, or out of compliance. In out of compliance issues, the resident brings the issue into compliance within specified times. The latest complaint was regarding the resident doing a transmission repair; however, it was determined the vehicle was owned by the resident and fits into the two (2) vehicles per year criteria.

Since he purchased the property in 2013, the following complaints have been documented:

<input type="checkbox"/>		CODE-2014-002761	633 17TH ST Single Family	Code Enforcement	Fasano,Gwen	Unfounded	3/4/2014	3/4/2014
<input type="checkbox"/>		CODE-2014-003370	633 17TH ST Single Family	Code Enforcement	Fasano,Gwen	In Compliance	7/16/2014	7/25/2014
<input type="checkbox"/>		CODE-2016-005532	633 17TH ST	Nuisance	Coyle,Adam	In Compliance	7/7/2016	9/2/2016
<input type="checkbox"/>		CODE-2016-006443	633 17TH ST	Nuisance	Coyle,Adam	In Compliance	12/2/2016	12/5/2016
<input type="checkbox"/>		CODE-2017-006952	633 17TH	Nuisance	Coyle,Adam	In Compliance	3/7/2017	3/9/2017
<input type="checkbox"/>		CODE-2017-007612	633 17TH ST Single Family	Nuisance	Boike,Eric	In Compliance	7/25/2017	8/2/2017
<input type="checkbox"/>		CODE-2018-008396	633 17TH ST Single Family	Nuisance	Boike,Eric	In Compliance	2/23/2018	3/7/2018
<input type="checkbox"/>		CODE-2018-008440	633 17TH ST	Nuisance	Boike,Eric	In Compliance	3/26/2018	3/30/2018
<input type="checkbox"/>		CODE-2018-009035	633 17TH ST	Nuisance	Coyle,Adam	In Compliance	8/7/2018	8/8/2018
<input type="checkbox"/>		CODE-2018-009036	633 17TH ST	Nuisance	Coyle,Adam	In Compliance	8/20/2018	8/27/2018
<input type="checkbox"/>		CODE-2019-009638	633 17TH ST Single Family	Nuisance	Coyle,Adam	In Compliance	3/25/2019	3/25/2019
<input type="checkbox"/>		CODE-2019-009999	633 17TH ST	Nuisance	Coyle,Adam	In Compliance	6/28/2019	8/6/2019
<input type="checkbox"/>		CODE-2019-010416	633 17TH ST Single Family	Nuisance	Boike,Eric	In Compliance	10/7/2019	11/5/2019
<input type="checkbox"/>		CODE-2020-010806	633 17TH ST	Nuisance	Boike,Eric	In Compliance	6/19/2020	6/24/2020
<input type="checkbox"/>		CODE-2020-010969	633 17TH ST Single Family	Nuisance	Coyle,Adam	In Compliance	8/6/2020	8/6/2020
<input type="checkbox"/>		CODE-2020-010971	633 17TH ST Single Family	Nuisance	Coyle,Adam	In Compliance	8/11/2020	8/19/2020

Summary of complaints:

2014, 2016, and 2017 – Each year had two occurrences (violations included working on cars, vehicles parked on grass and vegetation overgrowth) and likely would have had a difficult time of filing for habitual offender.

2018 – Three complaints; one was about parking on the grass and was unfounded at the time of inspection. The other two were given violation notices and complied.

2019 – Three complaints; one complaint the vehicle was repaired and on the street at the time of inspection. Two had violations issued for an inoperable vehicle and a stove on the curb.

2020 – Three complaints; one about a vehicle in the grass and was unfounded at time of inspection. Second complaint was a transmission being changed out (allowed two major repairs a year). A notice for inoperable vehicle was later issued due to the repairs taking too long. Third complaint has two inoperable vehicles and owner was given a seven (7) day notice to comply.

Related Code: 9-8-5: RESTRICTIONS FOR HOME OCCUPATIONS:

22. Any citizen who wishes to make other than minor repairs to his own vehicles must abide by the aforementioned conditions. No more than two (2) vehicles per year, owned by the occupant, shall be rebuilt, repaired, or reconstructed. (Ord. 1190, 6-17-1996; amd. Ord. 1242, 4-21-1997)

This property has been consistent about doing work on vehicles. But after reviewing each year, there has not been a calendar year where Community Compliance has issued more than two violation notices, due to some being unfounded. Almost all the vehicles in the past have appeared to be vehicles of people residing at the residence as they were there for a long time. The new vehicles that are unlicensed will either need to be licensed or show proof of recent purchase.

If the property owner has a home occupation, he is allowed two (2) major vehicle repairs per calendar year if the vehicles are owned by the occupant. There can be unlimited minor vehicle repairs per calendar year if the vehicles are owned by the occupant.

Direction: Councilmembers request staff attempt to get documentation of ownership of the cars in the current, open case. Councilman Trevilayan requests more proactive Community Compliance activities following the issuance of violation notices to verify issues are being handled.

4. Other Matters

- A. 1025 Maple Update – The property was abated, and the yard has been completely cleaned up of debris.
- B. 601 11th Street Update – As of October 16, 2020, all pigeons have been relocated and the case has been closed.
- C. 2426 Ridgewood Drive Update – The contractor is back to work on the property; grading has been done in the back yard, garage doors and missing window have been installed and all junk has been cleaned up.
- D. 600 24th Street Update – There was a garage fire on this property. Staff is meeting with the property owner on October 20, 2020 to provide the owner with a copy of the Residential Additions & Attached Garage Permit Application.
- E. Aspen & 84th Street Update – Three properties jointly own the detention pond on the lot. The City has asked them to mow around the detention pond one time per year. The three owners of the detention pond are working with the City's abatement contractor to get it completed.

5. Review of Reports – No Comments

The meeting was adjourned at 5:22 PM. Respectfully submitted by Kim Pinegar, Secretary.