

COMMUNITY COMPLIANCE SUB-COMMITTEE MEETING MINUTES

April 17, 2023

Present: Doug Loots, Council Member
Kevin Trevillyan, Council Member
Joe Cory, Deputy Public Services Director
Jessica Grove, Assistant City Attorney
Rod VanGenderen, Chief Building Official, Development Services
Fred Bell, Resident of West Des Moines

The meeting was called to order at 4:39 PM. Councilman Loots facilitated the meeting.

1. Potential Community Compliance Volunteer Program

Deputy Director Joe Cory introduced a draft of a Community Compliance Volunteer Program. During the most recent budget planning process, staff discussed ideas on how to assist properties to stay in compliance with various City codes. The Community Compliance Volunteer Program would allow staff to provide property owners with a referral list of volunteer groups in the community that assist with various services, free of charge. The volunteers would not be City staff, they would be affiliated with an outside group or organization. A draft of the Community Compliance Volunteer Form was provided for reference (Attachment A). Staff requested Council's approval to move forward with implementing this volunteer program.

Direction: Council is in support of the volunteer program and asked that staff further define and outline the program.

2. 321 8th Street Update

This property was notified on January 4, 2023, of being in violation of City Code 4-4-2:B and 4-4-2:F. A civil infraction was filed against the property owner on February 7, 2023. Court hearing occurred on March 20, 2023, and the property owner and Legal agreed to a date of April 2, 2023, for the property to be fully in compliance. Staff checked on the property on April 3, 2023, and the owner had not brought the property into compliance, so staff directed the City's abatement contractor to proceed with abating the property. The property owner had misunderstood the abatement date deadline and mediated with Assistant City Attorney Jessica Grove. An extension of 24 hours was provided to the property owner to have everything cleaned up. A couple days after the abatement was completed, more junk and debris accumulation were reported again on the property, which will require a new notice and the process to start over again.

Council Member Trevillyan inquired about the inoperable vehicle that had been in the driveway of 321 8th Street. Staff informed Council members the vehicle was now in the driveway of 317 8th Street and the property owner of 321 8th Street claimed it had been sold to the neighbor at 317 8th Street.

Direction: Information Only. Council Member Trevillyan requested a notice be given to the property owner of 317 8th Street regarding the inoperable vehicle that is currently in their driveway.

3. Trash Enclosure Update

Deputy Director Cory provided an update on the list of properties in the Valley Junction area that were originally notified of the trash enclosure requirements in November 2021. Originally there were 35 properties on the list, there are currently 9 properties that are still not in compliance with the trash enclosure requirements. Deputy Director Cory also stated staff is working with the Historic Valley Junction Foundation to have the trash enclosures cleaned up on a more regular basis.

There was discussion again on the type of materials allowed for building a trash enclosure, based on current City code. Council Member Loots indicated he would discuss the trash enclosure material requirements with Development Services.

Direction: Information Only.

4. Other Matters - None

5. Citizen's Forum

Fred Bell, property owner at 3725 Greenbranch Drive, was in attendance to discuss the dispute between him and the City regarding the double frontage portion of the right-of-way (ROW) on his property. Deputy Director Cory provided a map of the City with red dots indicating where a double or triple frontage is present on a property (Attachment B). There are several hundred of these instances throughout the City.

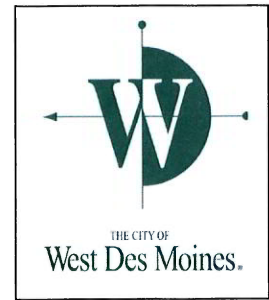
On Mr. Bell's property, there is a portion of land between his property and the City ROW that is owned by the City (Attachment C) and his interpretation of the City code is that this portion of land is the abutting property to the City ROW, and therefore, it is the City's responsibility to maintain the City ROW. To clarify the responsibility of the property owner which abuts public ROW, at the December 19, 2022, Council meeting, staff initiated an amendment to the chapter and section, Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks), Subsection A (Responsibility of Property Owner). The first reading was approved on December 19, 2022 (Attachment D). The motion to approve the second reading of the amendment failed at the January 3, 2023, Council meeting.

There was further discussion on Mr. Bell's interpretation of who the abutting property owner is to the City ROW. Mr. Bell disagrees that he is the abutting property owner to the City ROW, based on how the code is currently written. Staff explained that if the City ROW is not maintained by Mr. Bell, once it becomes non-compliant, a violation notice will be issued and if Mr. Bell appeals, it would proceed to court.

Direction: Council Members support the staff position that the parcel between Mr. Bell's property and the City ROW is considered ROW, like the roadway ROW as demonstrated in several other areas of the City. Therefore, Mr. Bell would be responsible for mowing the parking and eventually when sidewalk is constructed south on 35th Street, he would be responsible for removing the snow.

The meeting adjourned at 5:15 PM. Respectfully submitted by Kim Pinegar, Administrative Secretary.

City of West Des Moines Community Compliance Volunteer Form



Description: WDM Community Compliance identifies organizations and groups that are willing to offer help, free of charge, to property owners and residents of the community who need assistance to bring their properties into compliance with City Code. By doing this, we keep our community beautiful, safe, and enjoyable for all neighborhoods, residents, and visitors.

How it works: WDM Community Compliance staff will identify organizations and group that offer volunteer services to benefit the community. The WDM staff will maintain a list of these organizations and groups, the volunteer services they can assist with, and contact information of who or where to contact if someone needs volunteer help.

As the WDM Community Compliance Department issues city code violation notices to local property owners and residents, they also will provide them with a list of volunteer groups that may be able to help if they are financially or physically unable to do the work themselves. The property owner or resident would be responsible for contacting the volunteer group and organizing any work to be completed. A few things to note:

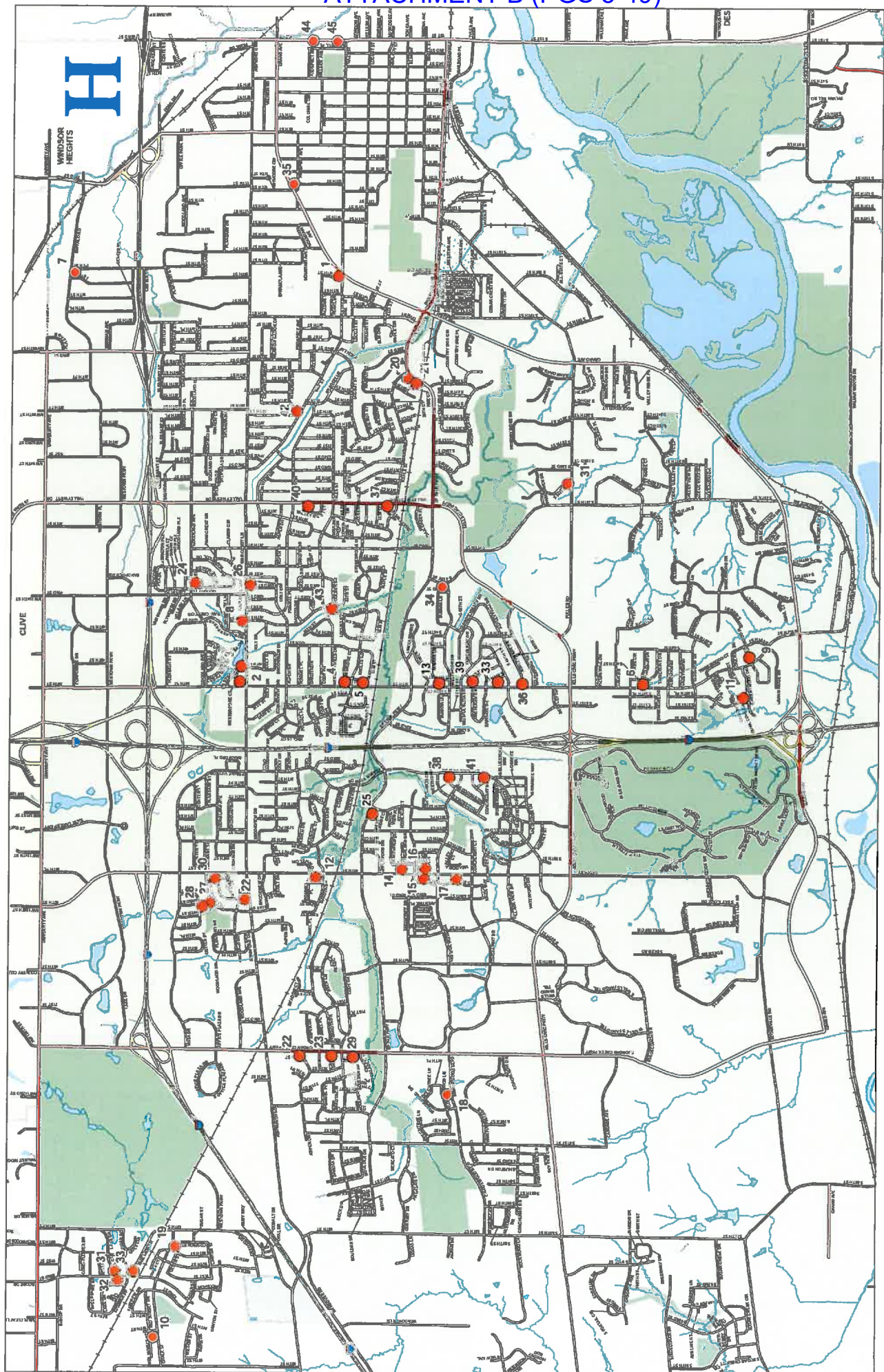
- Volunteer groups are not obligated to help anyone and can reject any request for assistance.
- All work is scheduled and completed by the property owner/resident and the volunteer group. City of WDM staff is available for questions about what needs to be done during regular working hours. Call 515-222-3480 Monday thru Friday 7:30am – 4:00pm.
- Most requests will come from residents who are elderly, have financial challenges, are physically handicapped, or have issues with hoarding.

Types of help typically needed:

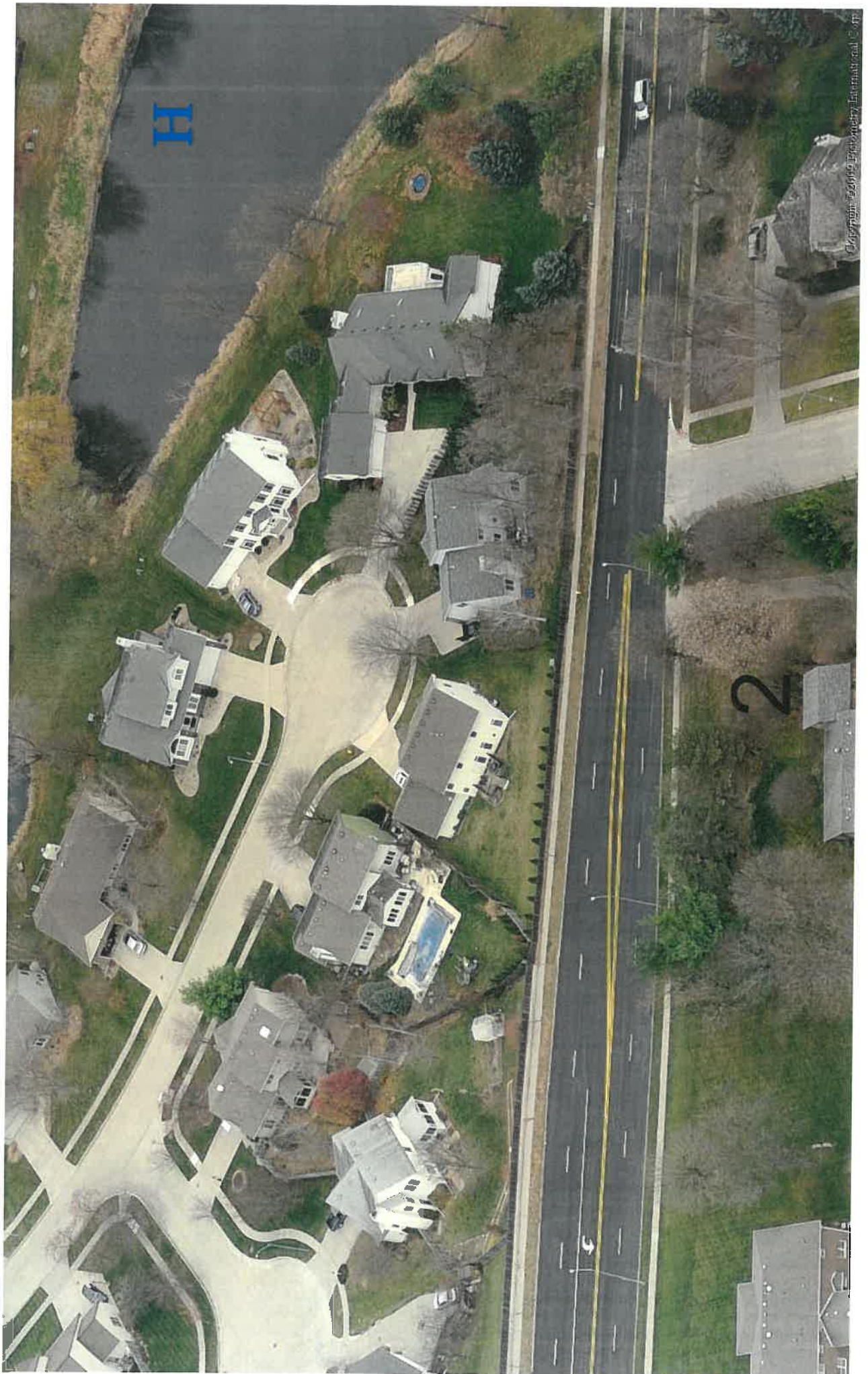
- *Grass and weeds need mowed
- * Snow shoveled from public sidewalk
- *Junk and Debris cleaned up or removed
- *Inoperable vehicles needing repaired or towed
- *Tree or shrub trimming
- *Dead tree removal
- *Exterior home repairs – painting, broken windows, dilapidated siding repair, gutter repair, roofing repair, deck repair, fence repair or removal
- *Sidewalk or concrete repair
- *Sump Pump drainage tied into City storm sewer lines

If your organization or group is interested in volunteering and assisting with local property owners and residents that need assistance, please fill out the attached form and email to West Des Moines Public Services at publicservice@wdm.iowa.gov.

Feel free to contact us via email or call 515-222-3480 with any questions or to get more information.

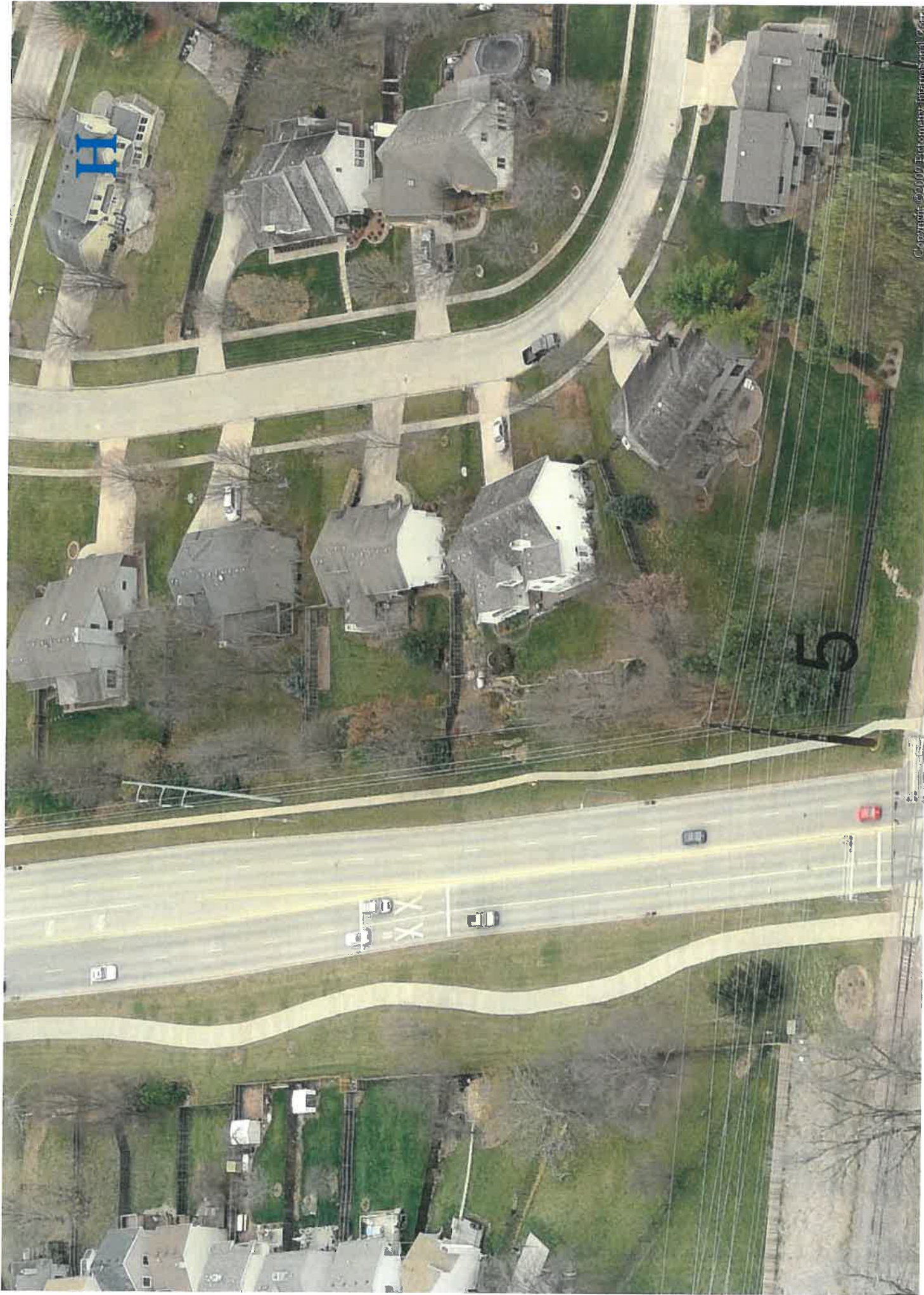


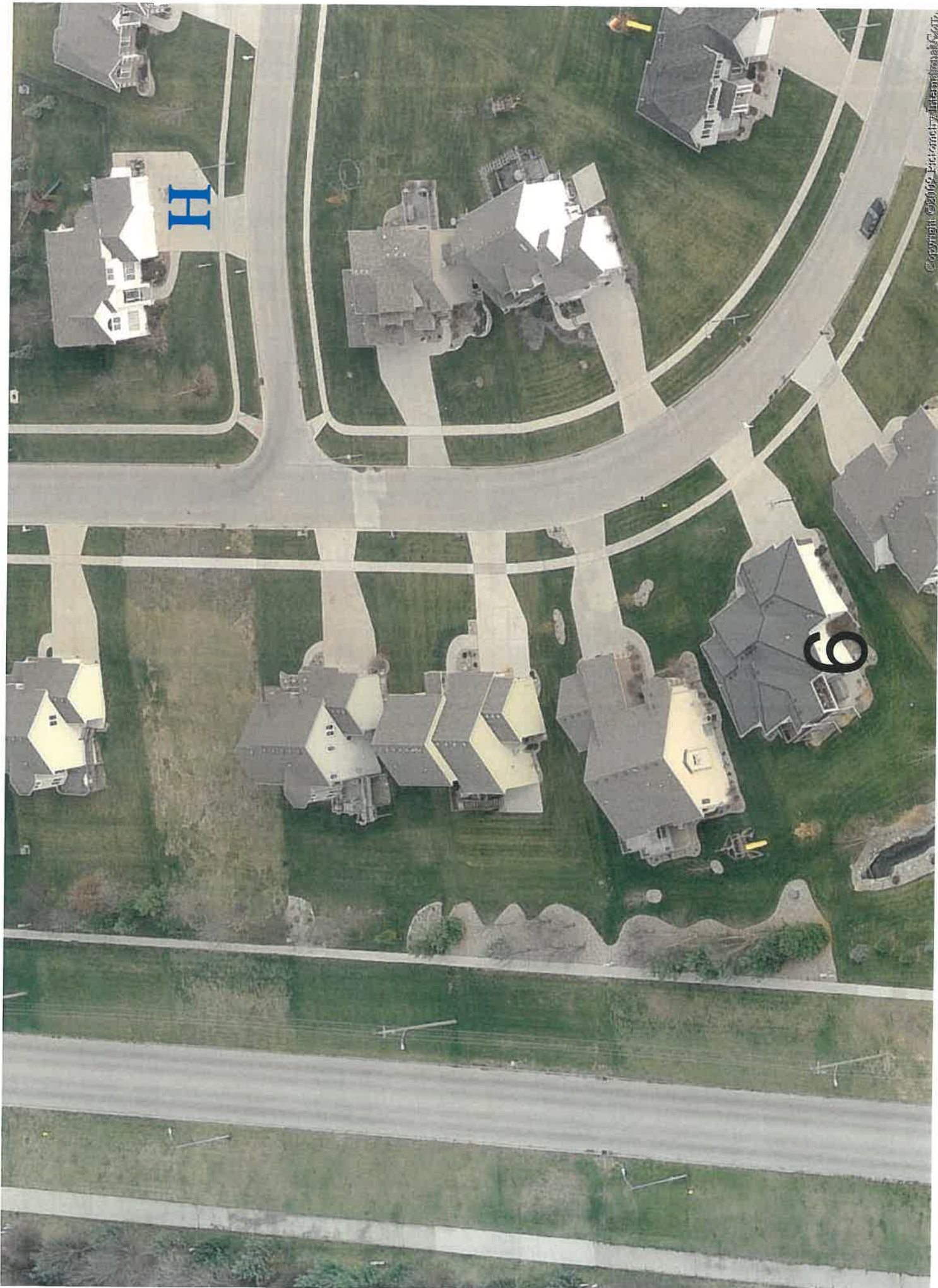


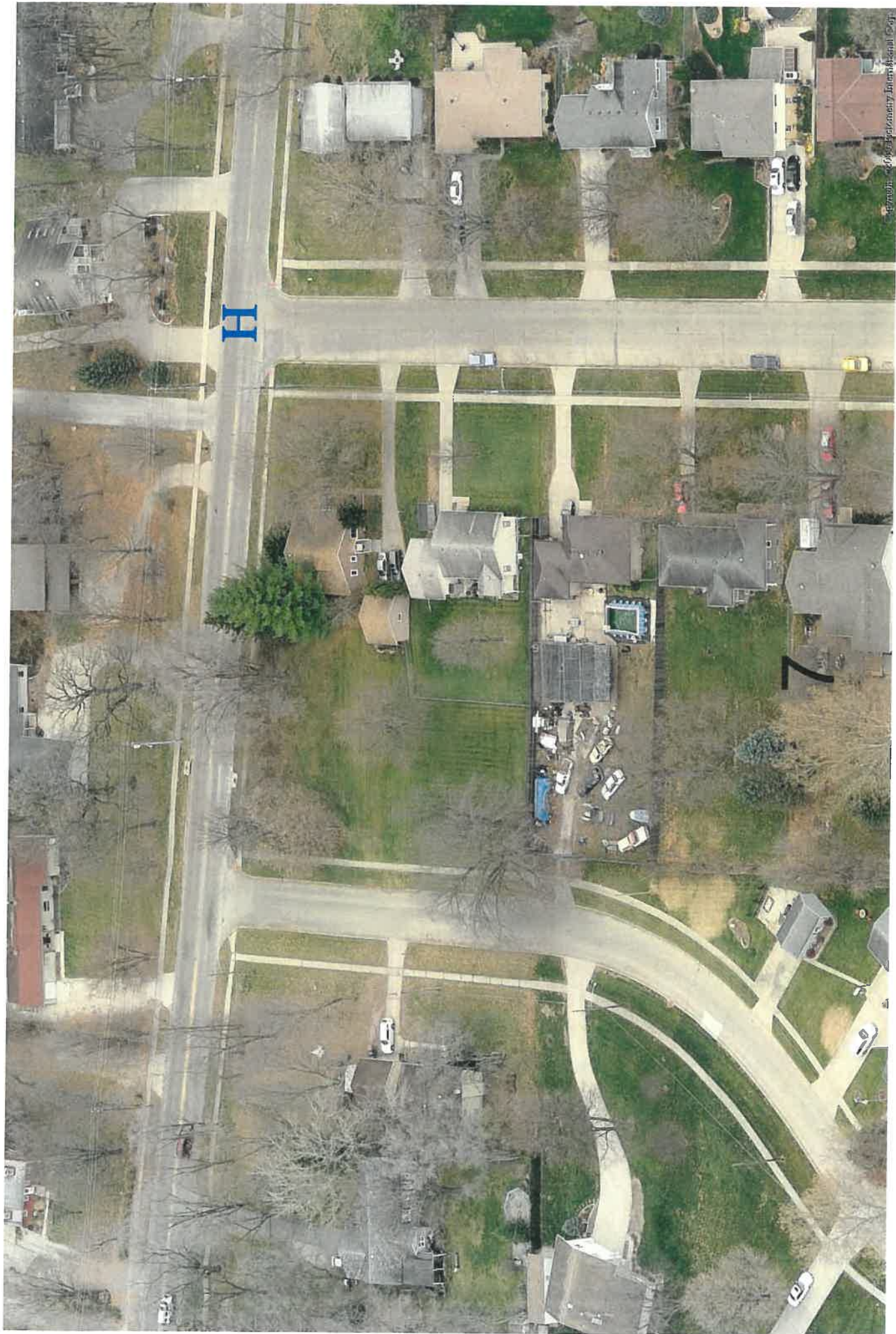






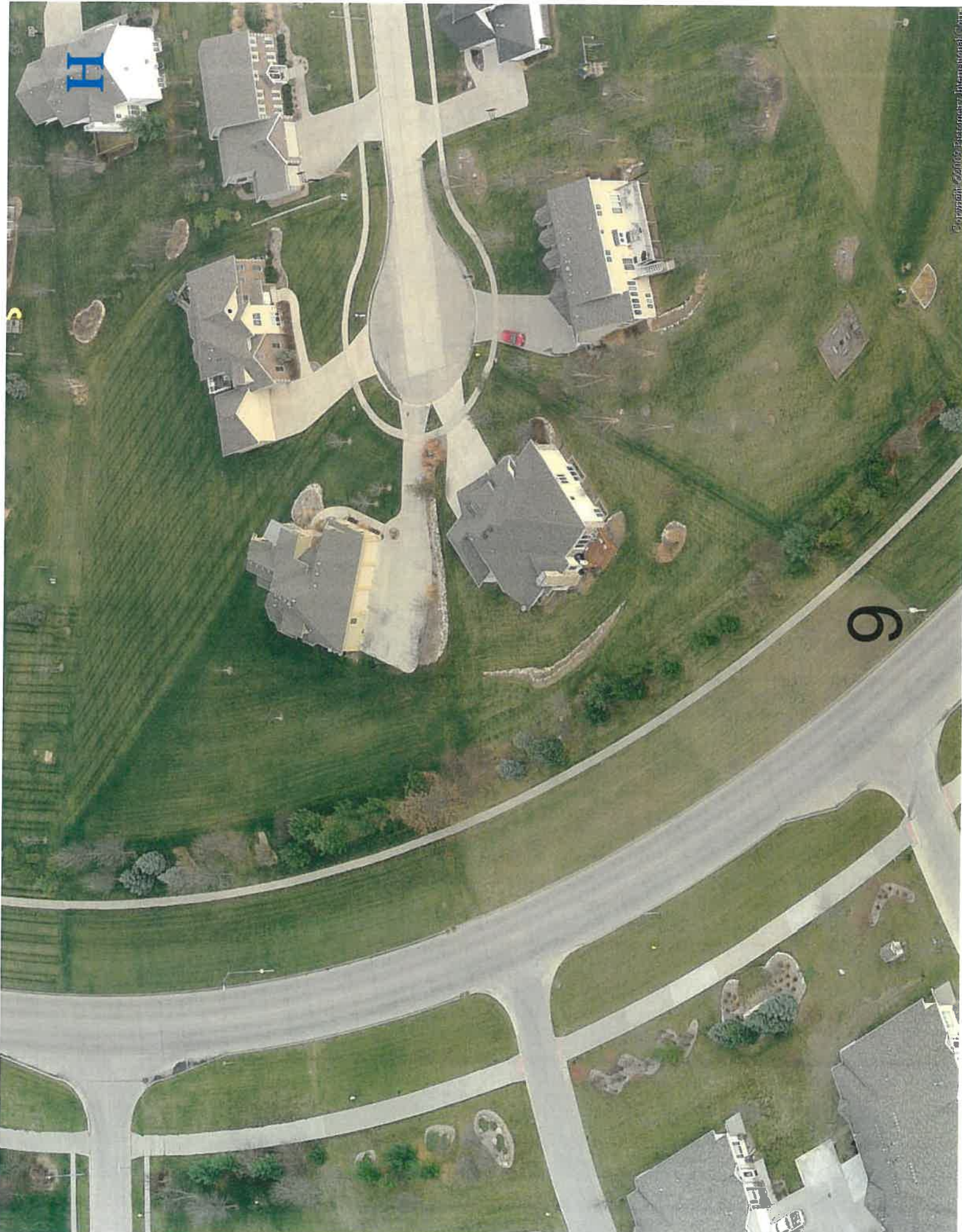






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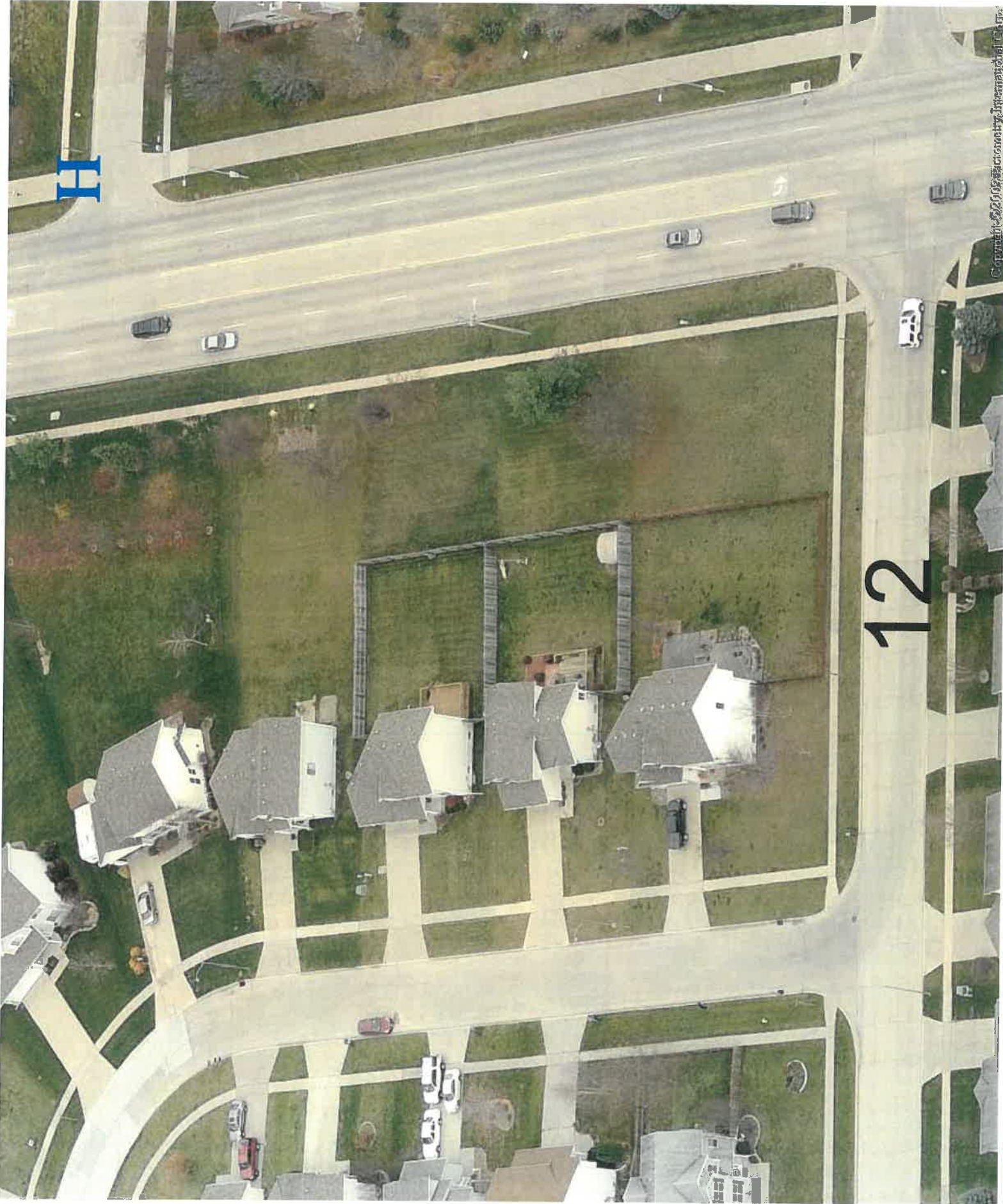


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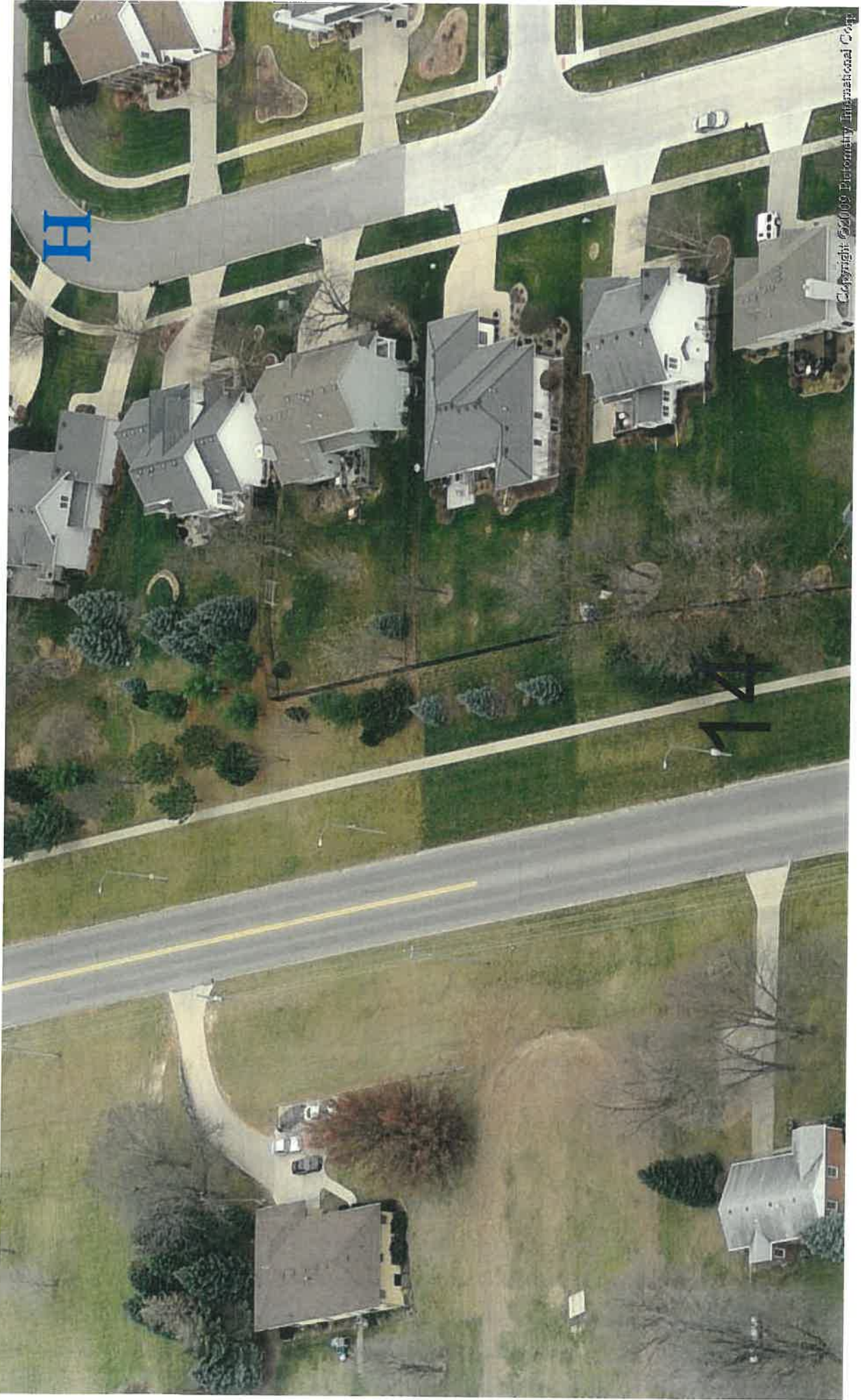


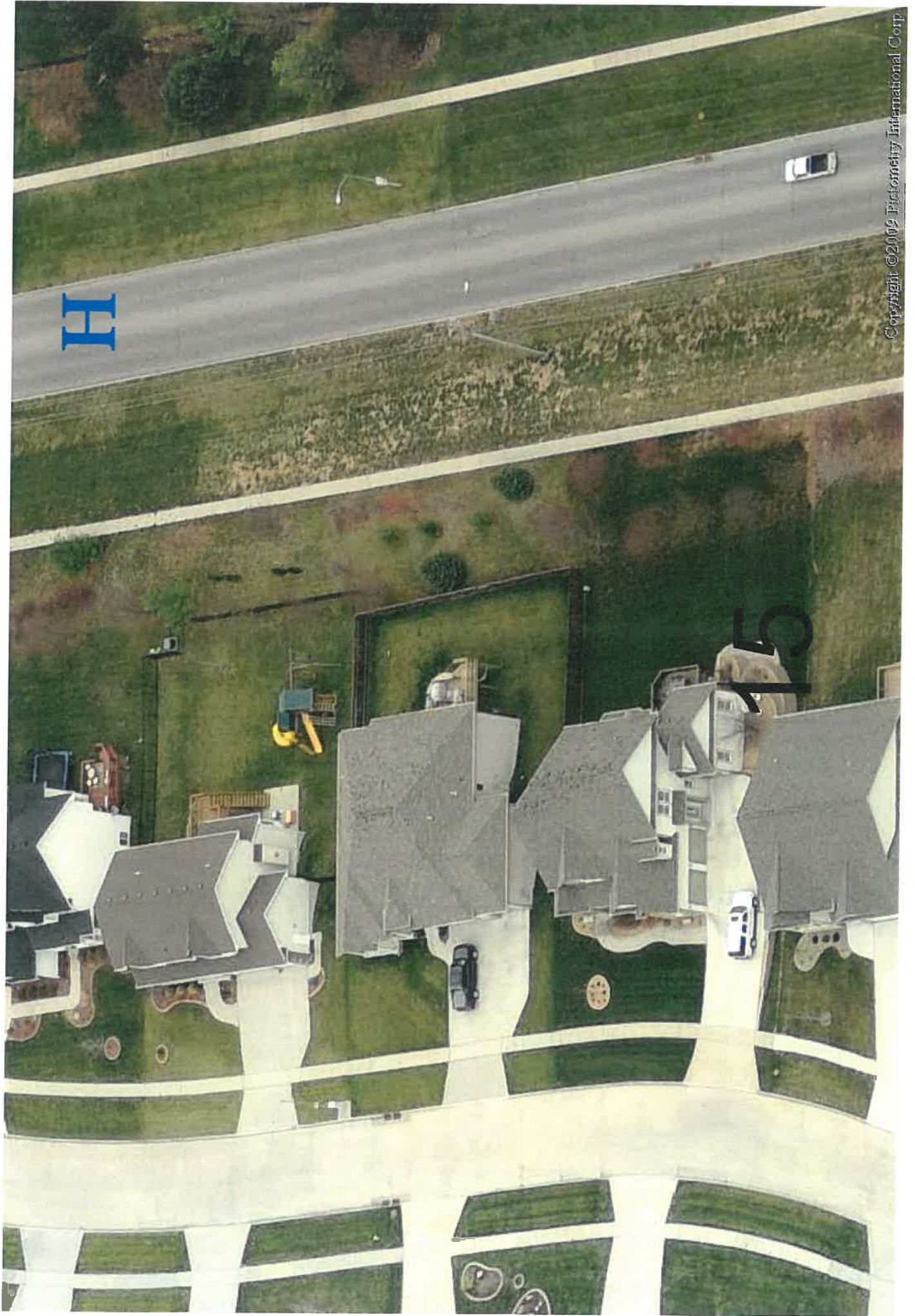
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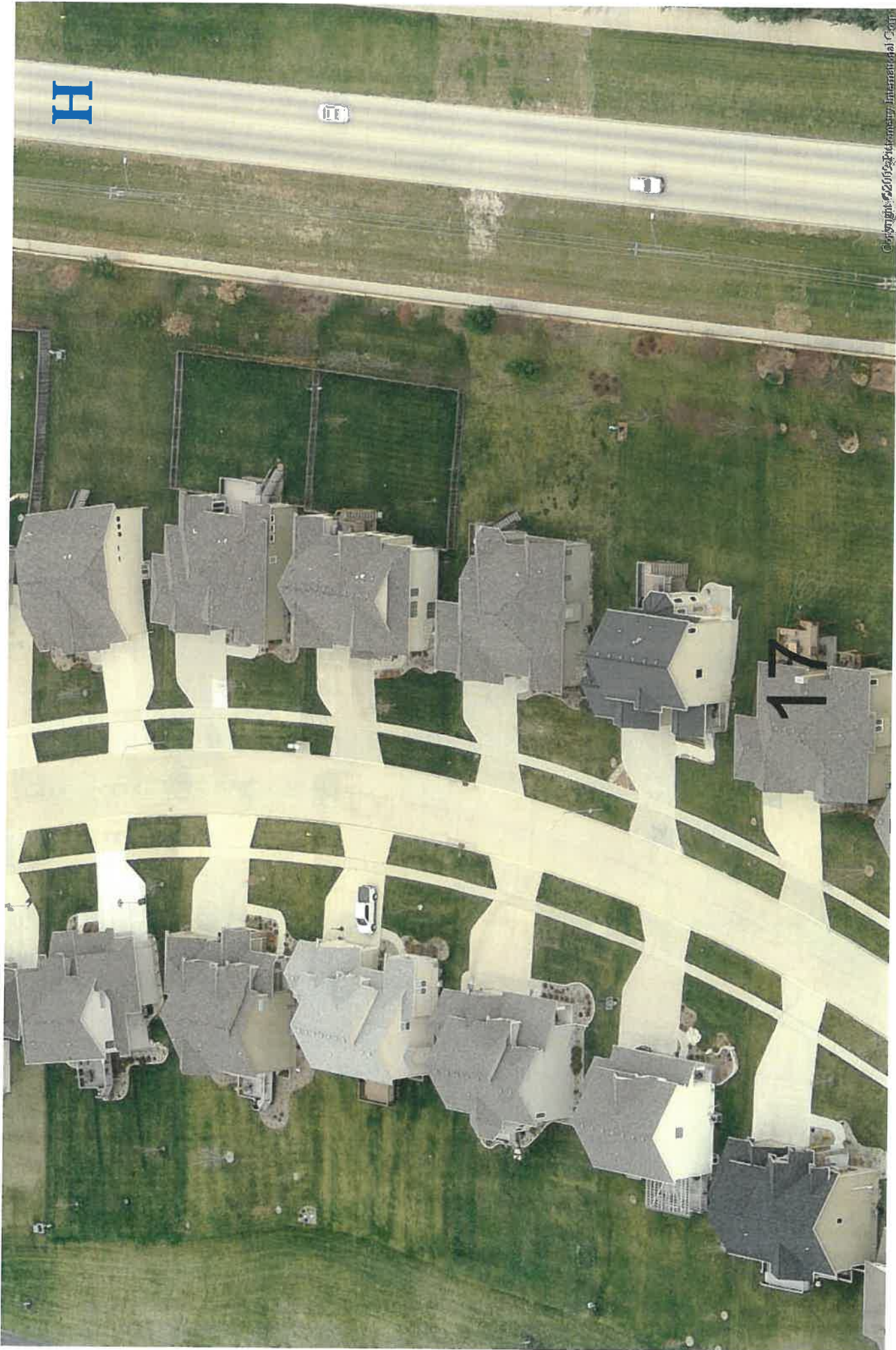
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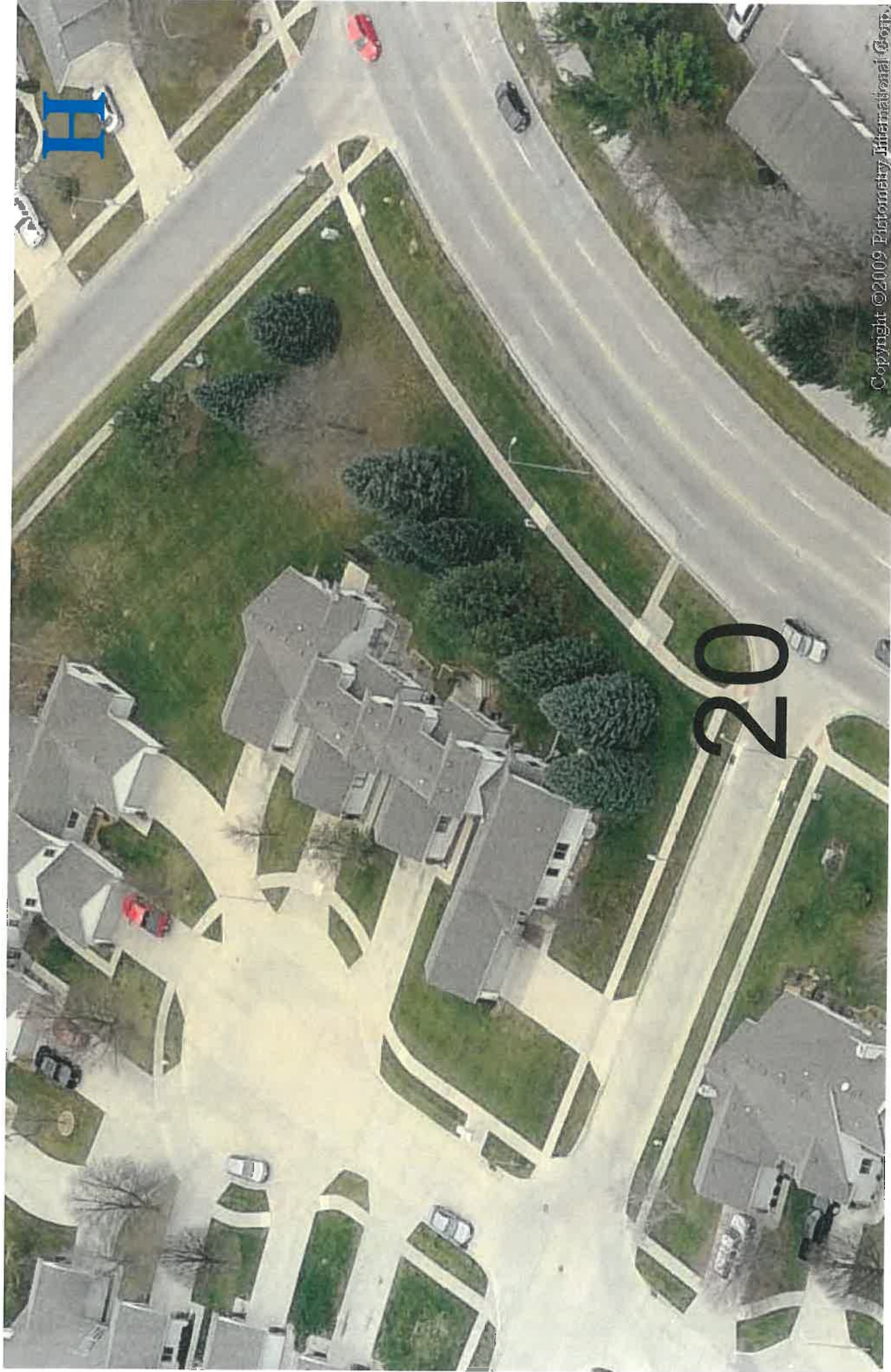


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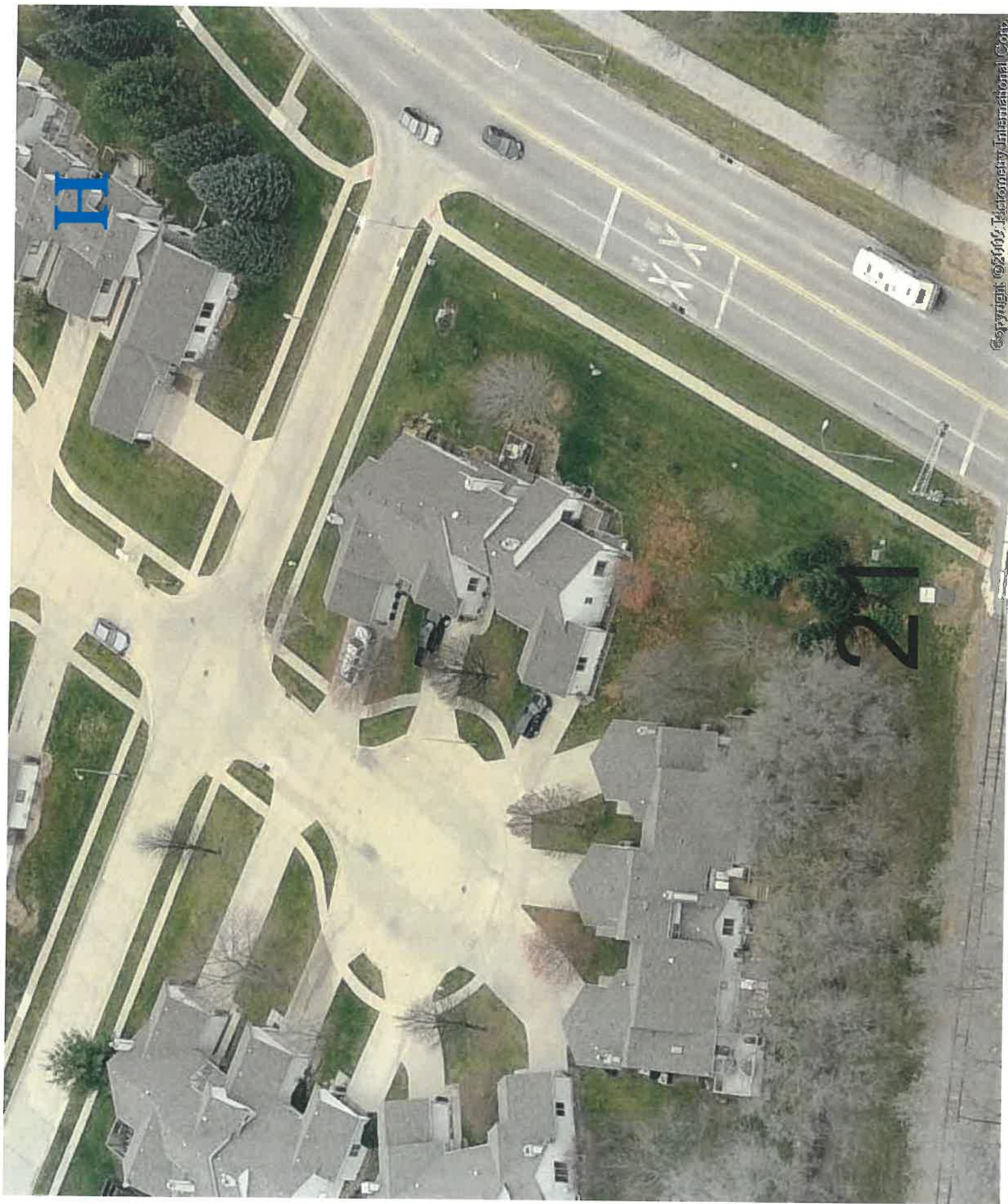
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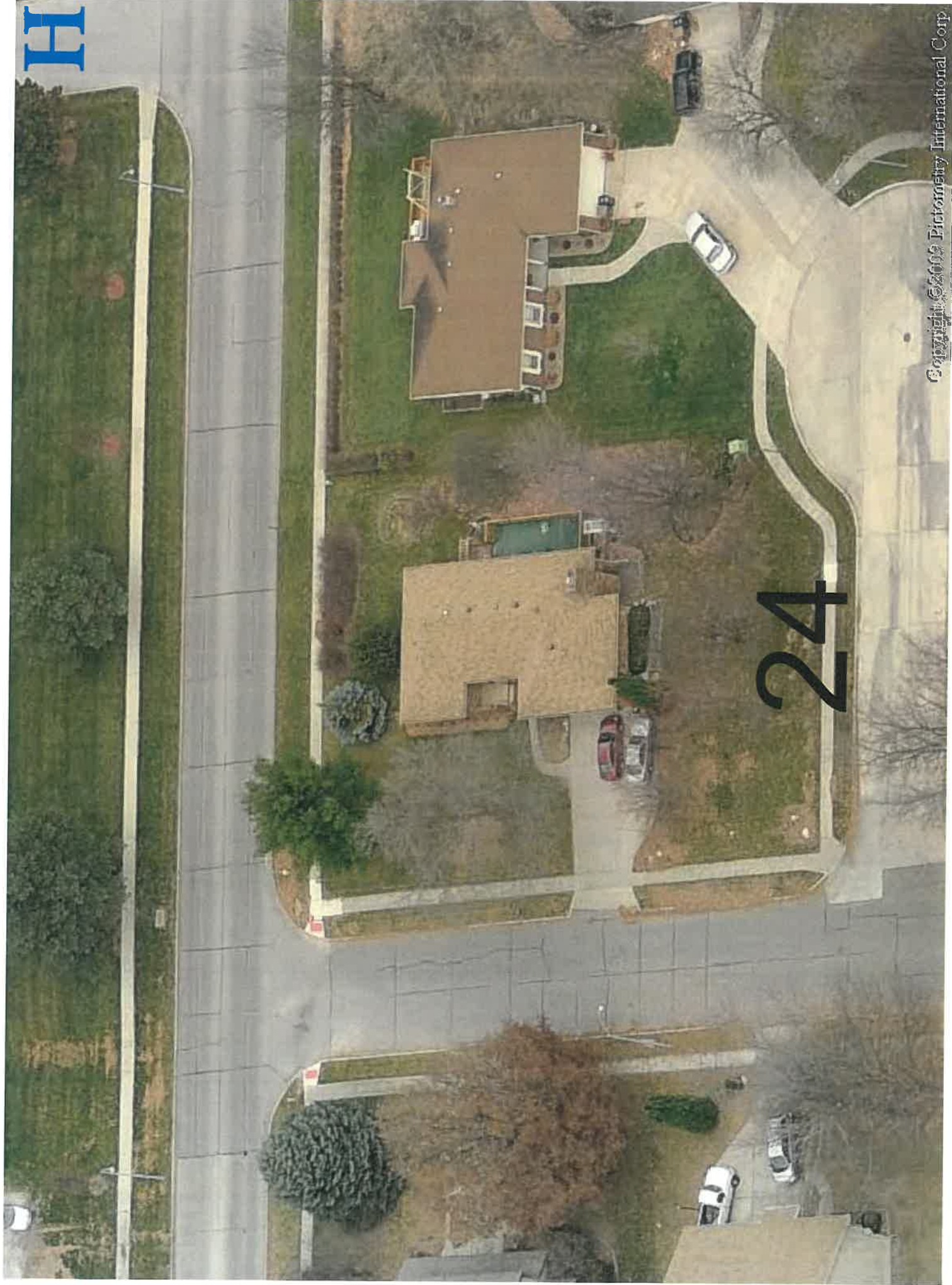


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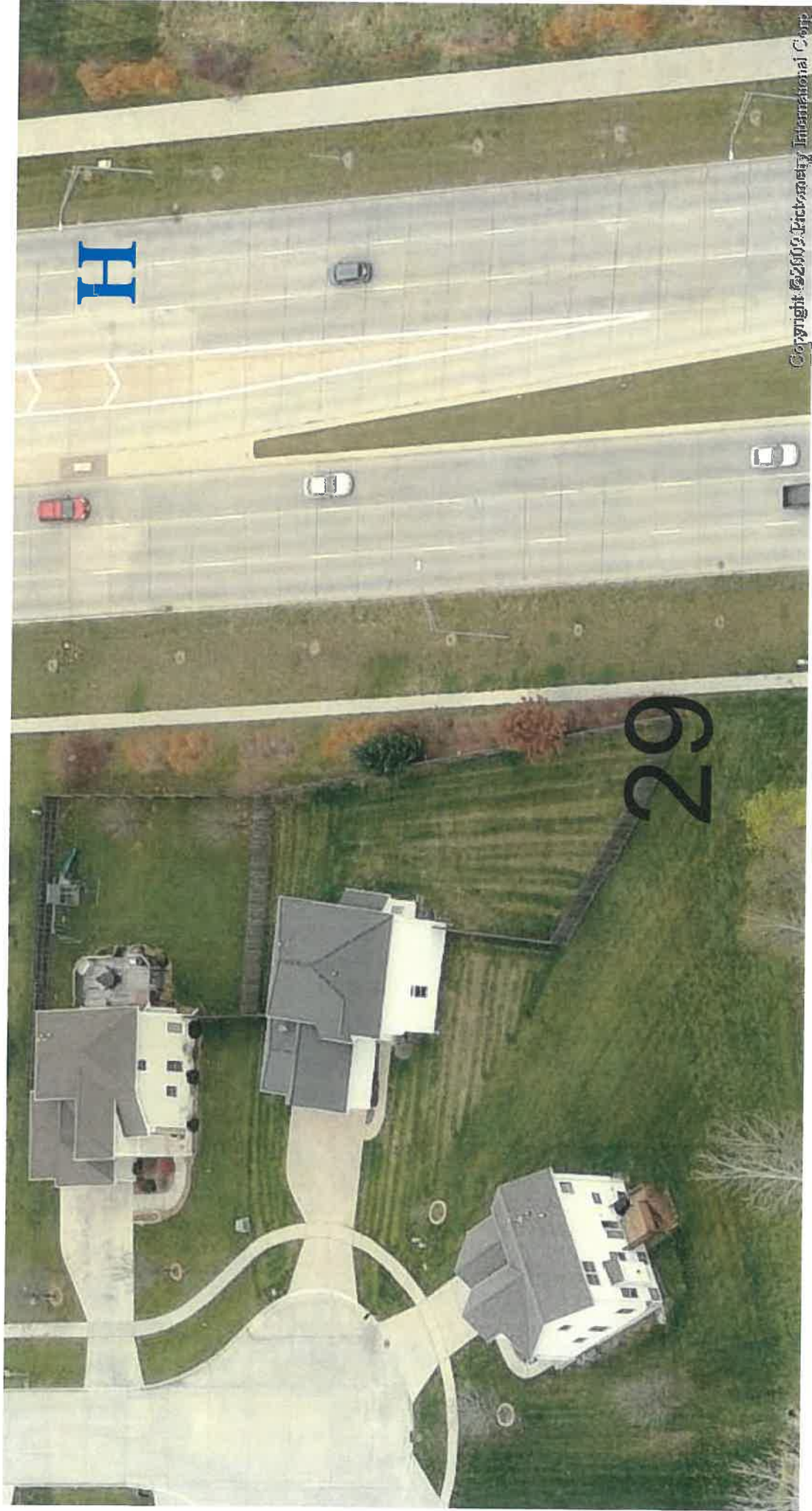
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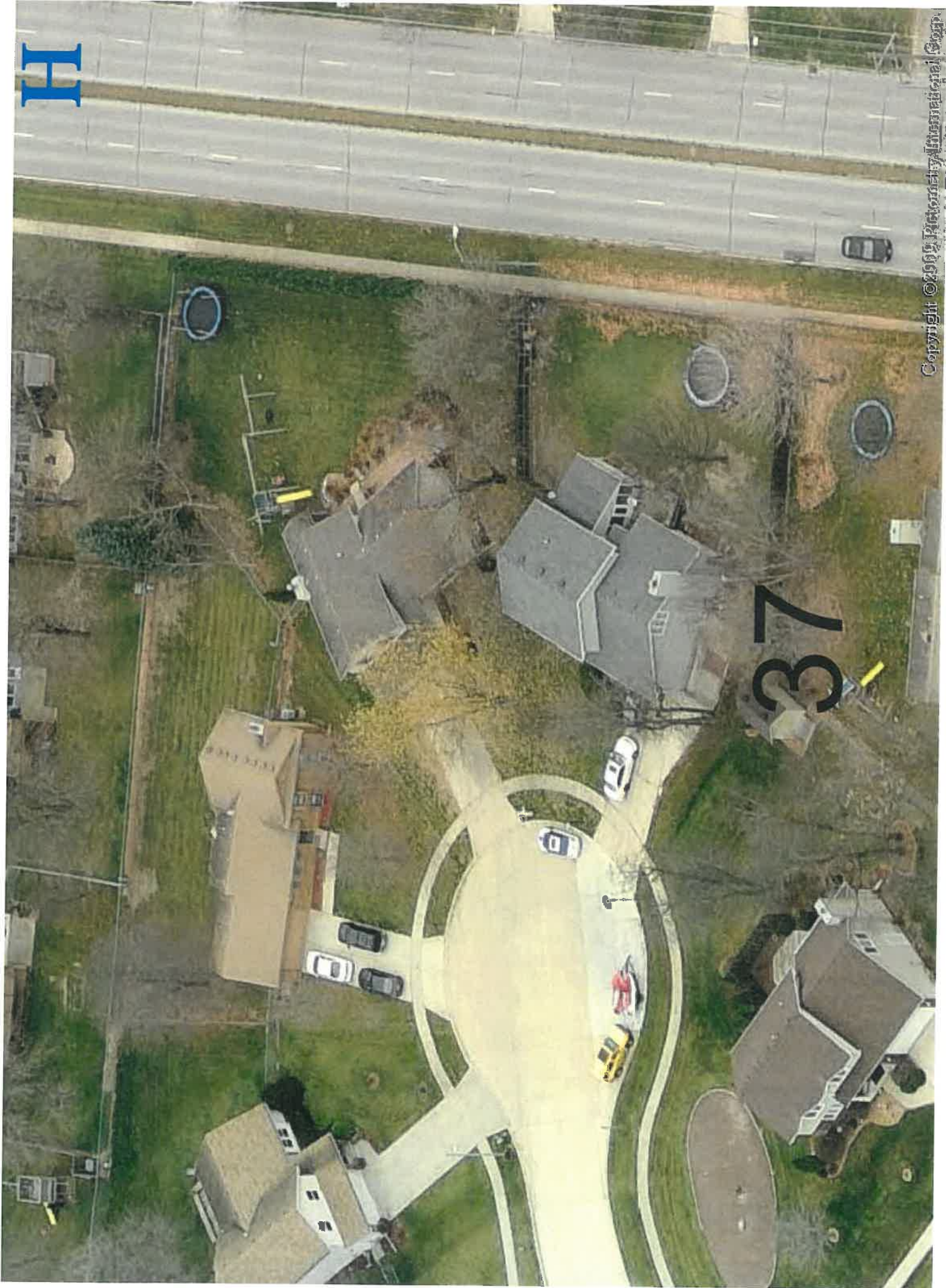


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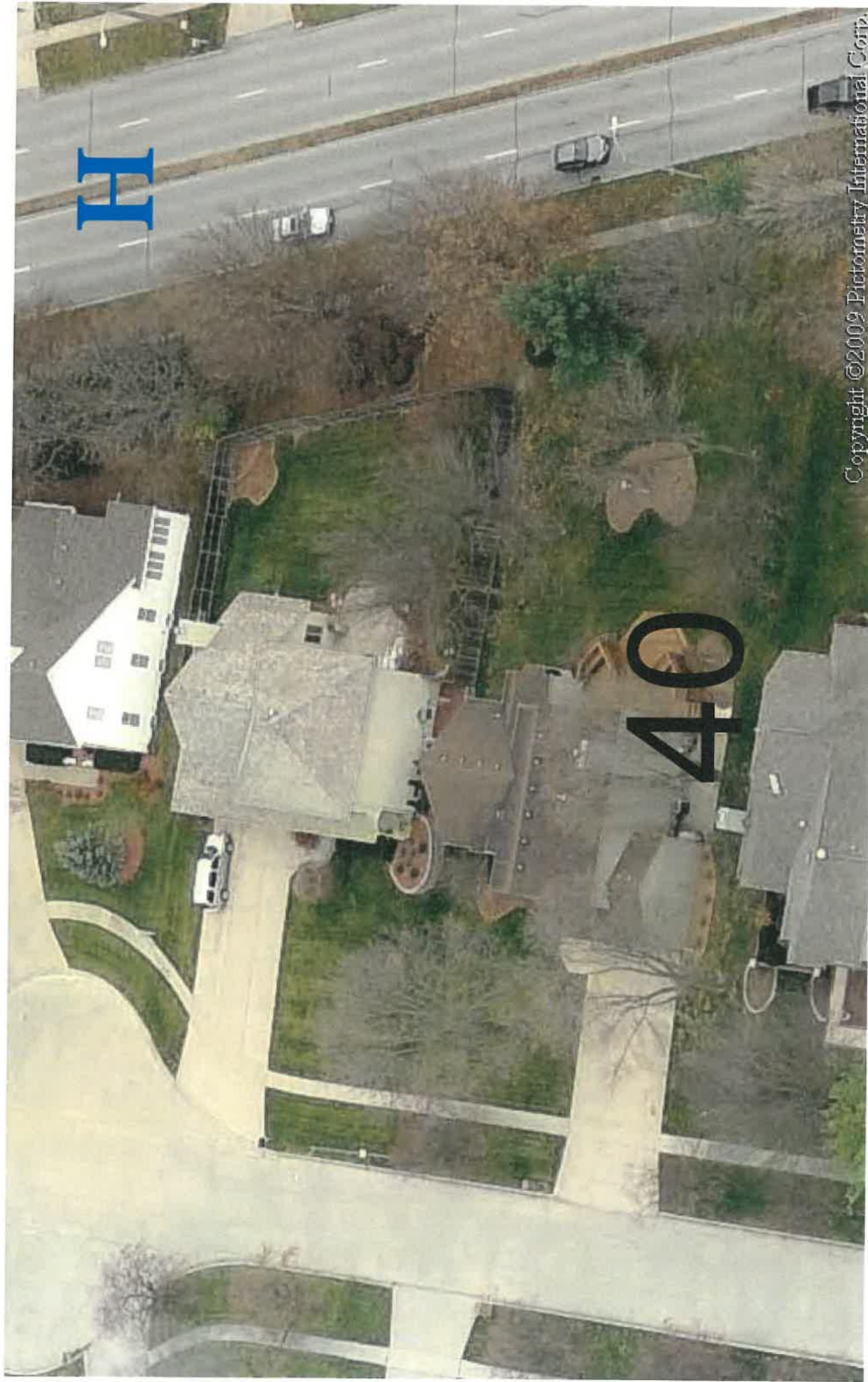
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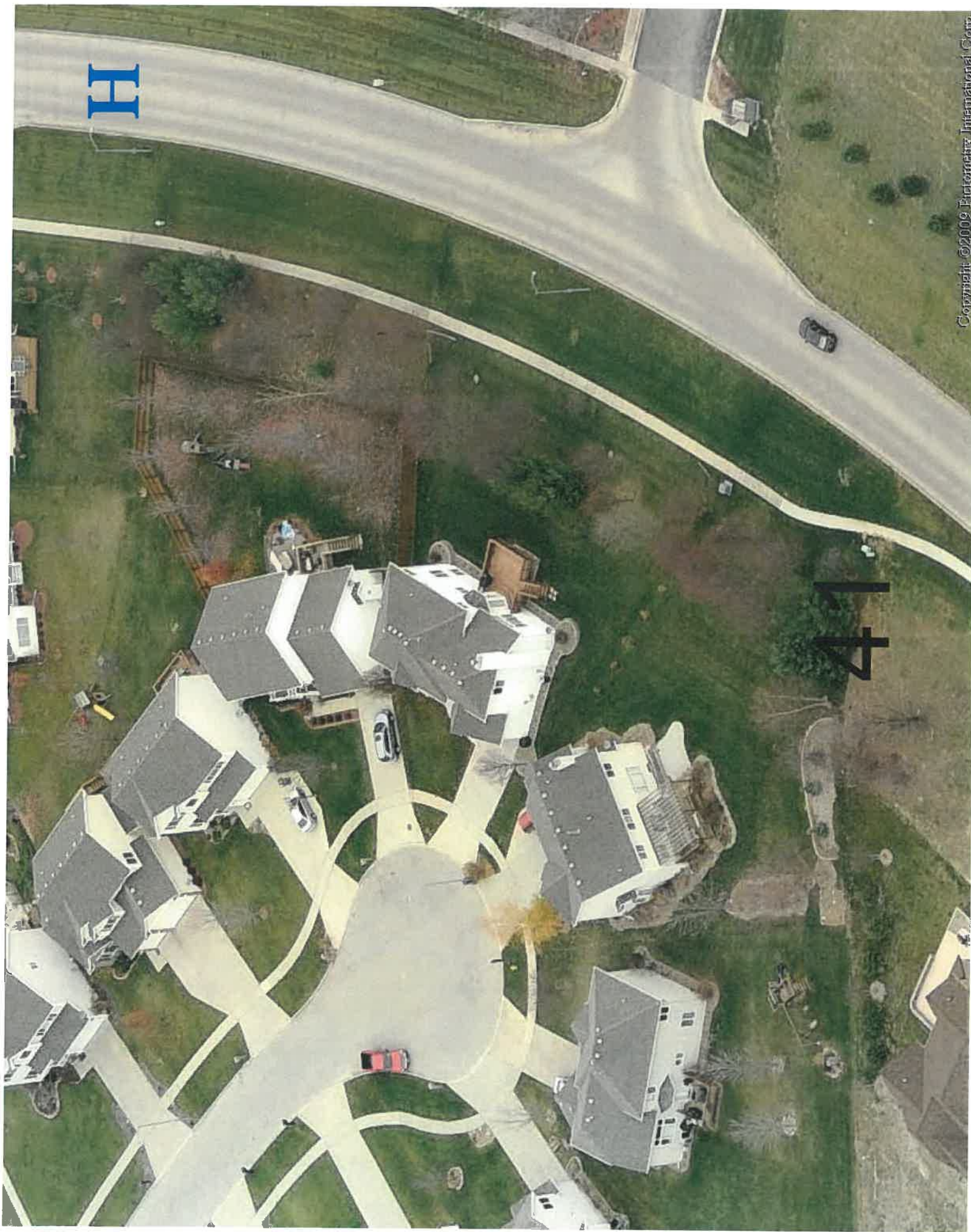






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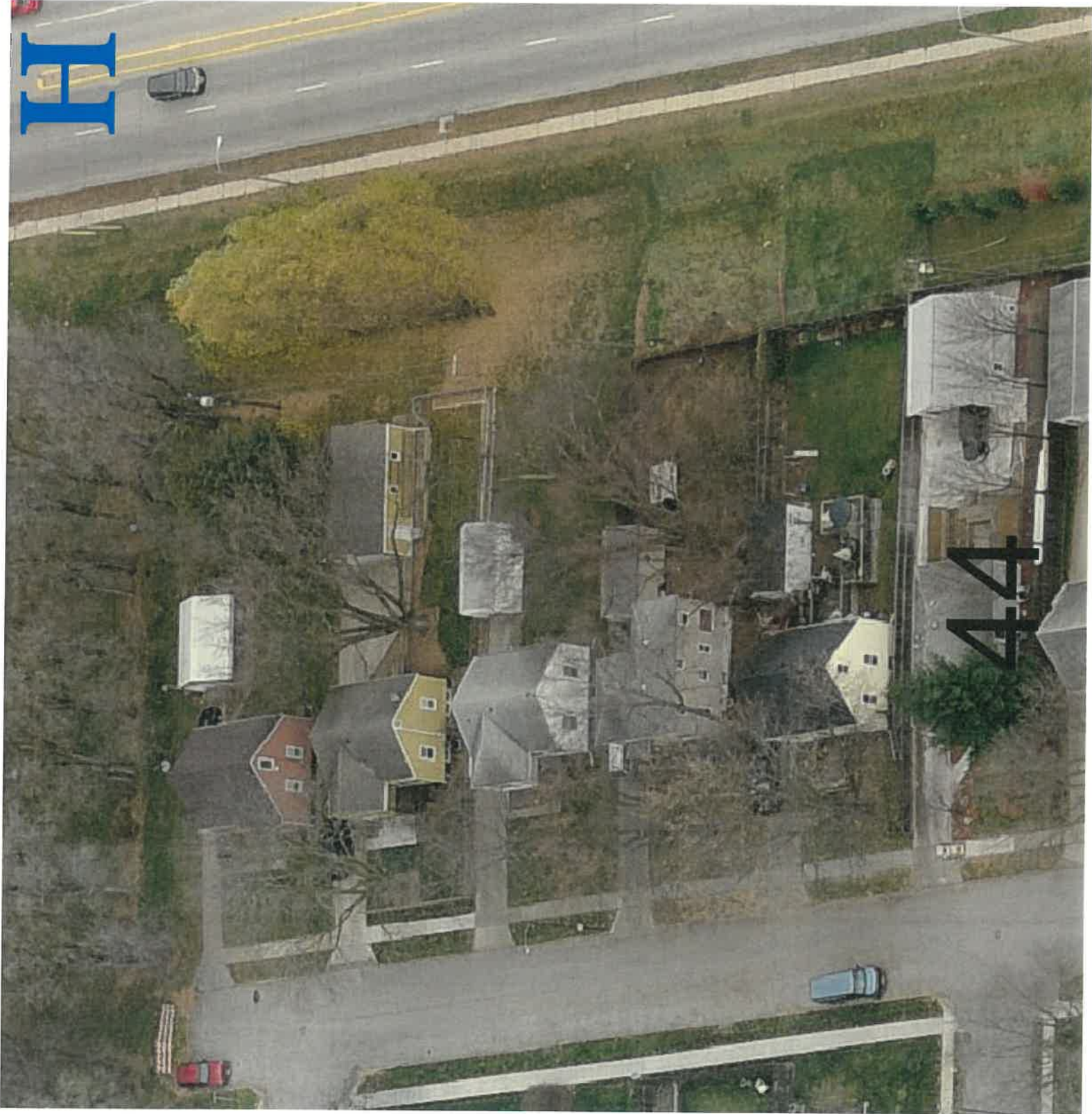


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ATTACHMENT C
3725 GREENBRANCH DR



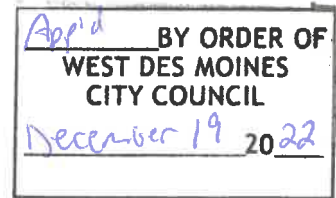
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**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

Date: December 19, 2022

ITEM: Amendment to City Code – Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks), Subsection A (Responsibility of Property Owner) to clarify the responsibility of the property owner which abuts public right-of-way.

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Currently, the City Code defines responsibilities of the abutting property owner to maintain all parking terrace and sidewalks. Staff is initiating an amendment to the chapter and section identified below in Title 7 (Public Ways and Property) to clarify the responsibility of the property owner which abuts public right-of-way.

Specifically, the following changes are proposed with this request:

- Title 7: *Public Ways and Property*
 - Chapter 1: *Streets, Sidewalks and Alleys*, Section 6 *Maintenance of Parking Terrace and Sidewalks*, Subsection A *Responsibility of Property Owner* to clarify the responsibility of the property owner which abuts public right-of-way.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: City Staff recommends the City Council approve the first reading of the amendment to City Code, Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks), Subsection A (Responsibility of Property Owner).

Lead Staff Member: Jessica D. Grove, Assistant City Attorney

STAFF REVIEWS:

Department Director	Richard Scieszinski, City Attorney
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 7, (PUBLIC WAYS AND PROPERTY), CHAPTER 1, (STREETS, SIDEWALKS AND ALLEYS).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys), Section 6 (Maintenance of Parking Terrace and Sidewalks), Subsection A (Responsibility of Property Owner) is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

A. Responsibility Of Property Owner: It shall be the responsibility of the ~~abutting~~ property owner *which abuts public right-of-way, regardless of the number of parcels which make up the right-of-way*, to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2023, and approved this _____ day of _____, 2023.

Russ Trimble, Mayor

ATTEST:

Ryan T. Jacobson , City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2023, and was published in the Des Moines Register on ____
_____, 2023.

Ryan T. Jacobson, City Clerk