

COMMUNITY COMPLIANCE SUB-COMMITTEE MEETING MINUTES

October 21, 2024

Present: Doug Loots, Council Member
Kevin Trevillyan, Council Member
Gary Rank, Public Services Director
Joe Cory, Deputy Public Services Director
Bharabi Pandit, Assistant City Attorney
Dennis Patrick, Chief Building Official, Development Services
Adam Coyle, Community Compliance Specialist
Nick Lindberg, Community Compliance Specialist

The meeting was called to order at 4:30 PM. Councilman Loots facilitated the meeting.

1. 1025 Maple Street Update

Community Compliance staff have been to this property often and have done everything they can do. Community Compliance Specialist Nick Lindberg provided an update on the most recent abatement action that has occurred at the property. Junk/debris removal abatement occurred October 4, 2024. However, another violation notice was issued October 16, 2024, for junk/debris accumulation. There is also a nuisance tree on the property that is scheduled to be removed on October 30, 2024. Another outstanding compliance violation is an inoperable camper still on the property that is not titled under the property owner. The property owner is attempting to get an abandoned title on the camper in order to keep it.

The history of the abatements conducted on the property was discussed. Typically, the property owner accumulates junk/debris, and a violation notice is issued. After the waiting period for the owner to clean up the property, the City uses their contractor to conduct an abatement. Community Compliance Specialist Lindberg provided a graph showing a summary of abatement costs on the property since 2020, as well as a chart showing the number of hours staff has spent on this property's noncompliance issues since March 2024 (Attachment A).

Assistant City Attorney Bharabi Pandit stated that there is a 90-day notice of a sheriff's sale on the property which will expire on December 3, 2024. Assistant City Attorney Pandit has received notification from a party who intends to purchase title to the property when the 90-day notice period ends. Staff have communicated with Finance about the outstanding abatement costs to ensure the costs are assessed on the property tax prior to the sheriff's sale.

There was discussion about how to mitigate repeat offenders. Deputy Director Joe Cory clarified that the notice process was shortened, but administrative abatement hasn't changed. There is an escalation on the civil infraction fee but that would require a court order. The civil penalty for the first offense is \$750.00 per violation, which increases to \$1,000.00 per violation on a repeat offense. Administrative abatement is a more efficient manner of handling cases of this type because it does not go to court and the violations can be resolved in a more timely manner. Assistant City Attorney Pandit stated that staff could research

implementing an escalating ladder of administrative fees. There was additional discussion on how to assess administrative fees.

Direction: Council Members Doug Loots and Kevin Trevillyan requested that staff continue to research and review how to better assess the full cost of abatements to the property owner.

2. **Alley Pruning Project Update**

Community Compliance Specialist Lindberg provided a summary of the efforts to improve alley clearance in Valley Junction (Attachment B). An inspection of every alley from Grand Avenue to Railroad Avenue was conducted and Community Compliance Specialist Lindberg documented 256 cases of overgrowth. To make the notification process more efficient, Community Compliance Specialist Lindberg took the standard notice, which is 2-3 pages and condensed it to one page and issued it to all property owners who were in violation. The one-page notice provided property owner one week to prune the overgrowth. After the initial notice, 86% of property owners complied and pruned the overgrowth. Staff then issued the official notice on the remaining properties that had not yet complied. Only 11 cases had to be abated by the City. This approach saved significant staff hours and administrative costs to the City.

Direction: Information only.

3. **3501 EP True Pkwy Update**

Community Compliance Specialist Adam Coyle stated that the 3501 EP True Parkway property has gone into foreclosure under Raccoon Valley Bank. This property is also up for sheriff sale on December 3, 2024. The property has been abated twice for overgrown grass and Raccoon Valley Bank is now handling any violation issues on the property until the sheriff's sale.

Direction: Information only.

4. **Case 2024-016189 (517 51st St) Update**

Community Compliance Specialist Coyle stated that the violations on the case consisted of a car and a motorcycle parked in the grass and not on a paved surface, and trash/debris accumulated near the back of the property. As of October 17, 2024, the trash/debris had been cleaned up and the car and motorcycle had been moved; the property is now in compliance. Assistant City Attorney Pandit stated he received a call asking if there was an exception on the parking on hard surface ordinance if the vehicle had a handicap placard; he advised the caller that there was not an exception. The caller asked how to obtain an exception and he was advised to contact his Council member.

Direction: Information only.

5. Amendment to the Ordinance to clarify how the line is drawn from ROW to Property Line – Update

Staff have met to determine what language to add to the subsection of the ordinance to clarify how the property line should be drawn. The verbiage the amendment will include is “the abutting property shall be determined by following a perpendicular line to the property line from the closest point in the curb line of the contiguous public street”. Staff asked Development Services to provide an illustration of how the property line is drawn which will accompany the amendment.

Legal intends to have the amendment approved prior to the next mowing season.

Direction: Council members agree with staff recommendations on ordinance changes.

6. Other Matters

A. Council Member Trevillyan stated that 213 4th Street has a lot of junk/debris in the back. Community Compliance Specialist Lindberg stated he will inspect the property and issue a notice on any applicable violations this week. A notice was issued October 8, 2024, at this property for two vehicles that had flat tires; that violation has been resolved.

Direction: Information only.

B. Council Member Loots asked how a nuisance tree is defined because he was asked the question of how to handle a tree that is growing into a fence that divides two properties. Staff stated that a nuisance tree is defined as a tree that is dead, diseased, or dying and is dangerous, which is determined by the City forester. If a tree does not fall into the nuisance definition, a dispute about a tree is a civil issue between the affected property owners.

Direction: Information only.

C. Dennis Patrick, Chief Building Official, Development Services reminded the subcommittee that any renter/owner disputes require a written complaint to be submitted. The exception would be if there is a life/safety issue then Development Services would get involved without a written complaint. The City needs documentation for legal purposes.

Direction: Information only.

D. Assistant City Attorney Pandit stated that staff have received complaints on new issues arising in the City. A most recent example is a complaint of cars driving down the street with engines backfiring. The City’s code and state code do not consider this type of noise as a nuisance and the challenge would be how to enforce compliance on this type of noise complaint.

Direction: Information only.

- E. Staff have been working with apartment complexes not managing their trash situations properly, especially complexes that have trash compactors. The issue that is arising is if a trash compactor is not operated properly or breaks down, the trash gets thrown on the ground and accumulates rapidly at the apartment complex.

Direction: Information only.

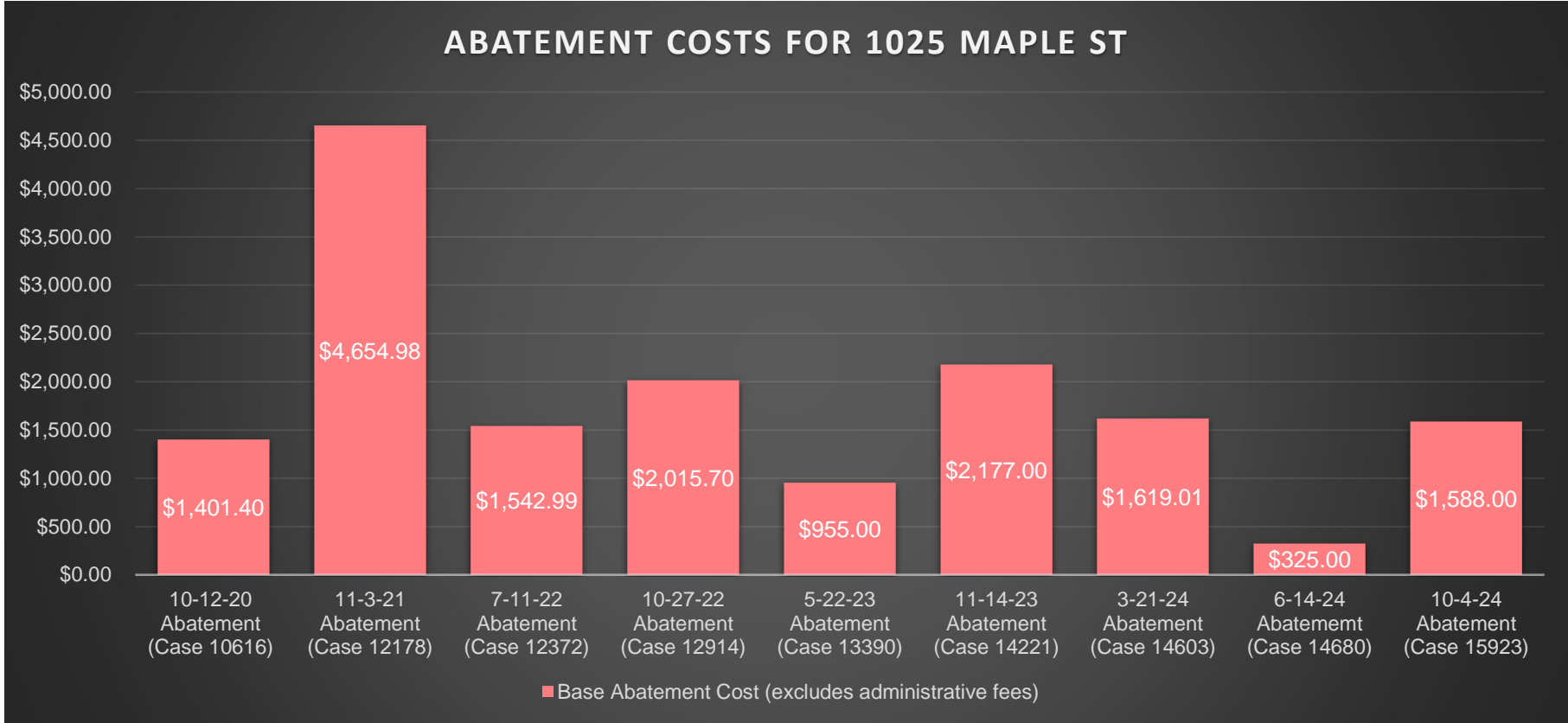
- F. Council Member Loots requested that staff look into establishing an ordinance to address the increase in transient people entering the City. A related issue is an increase in panhandling at intersections within the City. Legal staff are working with the Police Department and other cities to establish consistent language in City code to address this issue.

Direction: Council Members requested that staff provide an update on establishing these ordinances at the next Community Compliance subcommittee meeting.

7. **Citizen's Forum**

None.

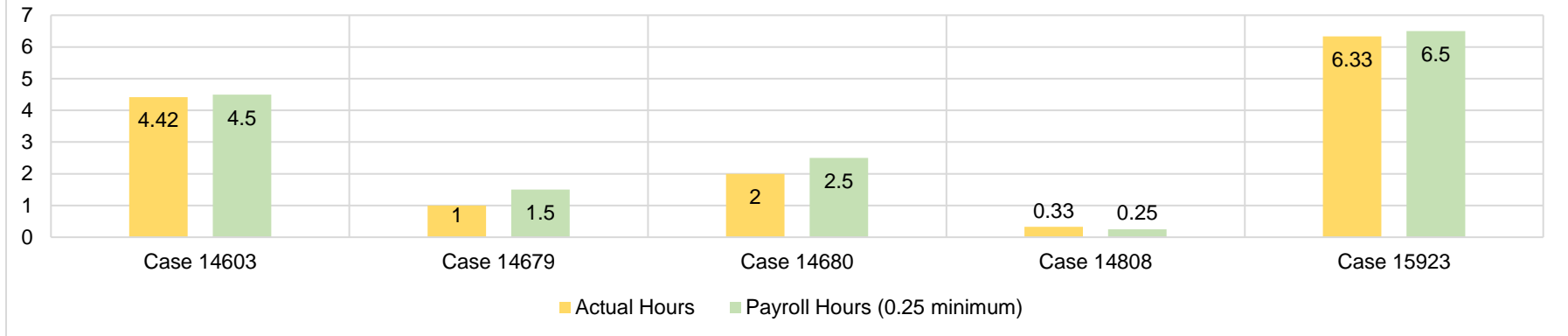
The meeting adjourned at 5:18 PM. Respectfully submitted by Kim Pinegar, Executive Assistant to the Director.



\$16,279.08 in total abatement costs since 2020

(October 12, 2020—October 15, 2024)

TIME SPENT RESPONDING TO 1025 MAPLE ST (HRS)



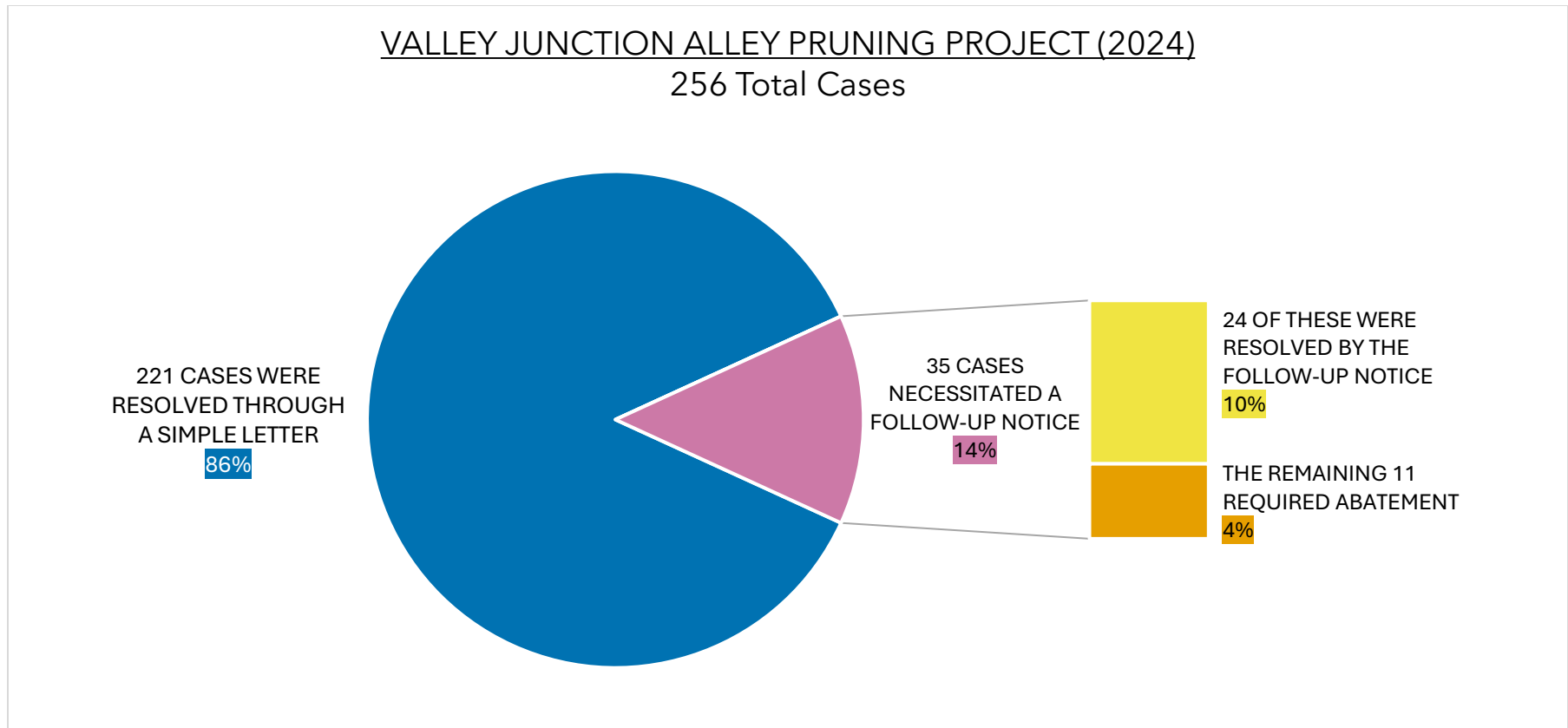
Case 14603: 3/23/24 inspection (45 mins/0.75hrs): spoke with property guests, spoke with p/o, walkthrough inspection with p/o, drafted notice, and posted notice. — 3/11/24 reinspection (20 min/0.25hrs): Reinspection walkthrough with p/o, discussed p/o's situation. — 3/18/24 call from p/o (15 mins/0.25hrs): p/o explained situation again and asked for extension. — 3/19/24 reinspection (30 min/0.5hrs): attempted to contact p/o, spoke with numerous property guests (each gave different stories on p/o's location), attempted to contact p/o again, p/o answered and did reinspection walkthrough, informed p/o of upcoming abatement (yet to be scheduled). — 3/20/24 visit (5 min/0.25hrs): informed p/o of abatement date and time. — 3/21/24 abatement (75 mins/1.25hrs x 2), abated property with Compliance Specialist Adam Coyle.

Case 14679: 3/24/24 inspection (15 min/0.25hrs): drafted and issued notice for broken stairs observed during previous abatement. — 4/12/24 reinspection (10 min/0.25hrs): reinspected and attempted to contact p/o. — 4/15/24 follow up (5 min/0.25hrs): attempted to contact p/o. — 4/16/24 follow up (5 min/0.25hrs): attempted to contact p/o again. 4/18/24 follow up (15 min/0.25hrs): reinspected and observed some repair progress, attempted to contact p/o. — 6/10/24 reinspection (10 mins/0.25hrs): reinspected (schedule error, meant to reinspect 5/10) and observed compliance.

Case 14680: 3/25/24 inspection (5 min/0.25hrs): issued and posted pre-prepared notice for nuisance trees per city forester. — 4/18/24 follow up (15 mins/0.25hrs): called Valley Disaster Relief to try to schedule charity tree removal on behalf of p/o, attempted to contact p/o. — 4/23/24 follow-up (30 min/0.5hrs): made contact with p/o, discussed stair repair per Case 14679, new accumulation of junk, VDR requirements before abatement, and July sheriff sale status. — 5/13/24 reinspection (15 min/0.25hrs): issued new notice for junk, spoke to property guests about p/o's location (he reportedly disappeared), explained notice importance to property guests. — 5/29/24 internal (5 min/0.25hrs): updated city forester on tree removal. — 6/10/24 follow up (10 min/0.25hrs): discussion with abatement contractor about abatement prep. — 6/11/24 follow up (5 min/0.25hrs): called abatement contractor to reschedule abatement due to office training. — 6/14/24 abatement (20 min/0.25hrs): reinspected to find p/o had utilized the dumpster that was dropped off early to clean up; called contractor to have him only process the dumpster.

Case 14808: 5/3/24 inspection (20 min/0.25hrs): inspected surrounding storm drains and drainageways due to reports of p/o and property guests illegally dumping feces.

Case 15923: 8/27/24 inspection (10 min/0.25hrs): drafted and issued notice for junk, nuisance trees, inoperable vehicles, vehicles on grass, and living in a camper past 30 days. — 9/5/24 follow up (15 min/0.25hrs): in-person conversation with a neighbor about enforcement efforts for this property and due process. — 9/10/24 follow up (10 min/0.25hrs): in-person conversation with a different neighbor about enforcement efforts. — 9/23/24 follow up (30 mins/0.5hrs): phone conversation with yet another neighbor about enforcement efforts, due process, and what neighbors can do to help us. — 9/30/24 reinspection (15 min/0.25hrs): reinspected, asked Legal for abatement blessing. — 10/4/24 follow-up (15 mins/0.25hrs): received call from p/o on loaner phone begging for more time, explained no extra time would be given due to continued repeat offenses, told p/o I'd be there in an hour to abate. — 10/4/24 abatement (90 minutes/1.5hrs x 3), abated property with Compliance Specialist Adam Coyle and 2 different police officers (one was relieved by the other after 15 minutes). PD was requested as we had been forewarned by neighbors of alleged concerning activity as well as for our own safety due to the high number of new, unknown property guests residing on the property. — 10/11/24 reinspection (drove by while on way to another case, didn't count this time): didn't observe anyone in the campers. — NOTE: Tree abatement is scheduled for 10/30/2024.



- In late July, staff received several reports of vegetation impeding alley traffic in Valley Junction. In response, Nick with Community Compliance inspected every alley from Grand Ave to Railroad Ave and documented 256 cases of overgrowth that residents were supposed to be maintaining.
- Due to the project's scale, Nick opted to send less formal pruning request letters rather than issue formal violation notices to minimize project costs and to streamline hours spent on the project (Nick managed this project on top of his standard duties and responsibilities).
- This approach was deemed a success as 221 (86%) of the 256 total cases were resolved by residents after they received the less formal letter.
- The remaining 35 cases didn't respond to the less formal letter and were subsequently issued formal violation notices. 24 of these would eventually be resolved while 11 had to be abated by the City.
- In summary, 244 (95%) of the 256 total cases were resolved without abatement. The project ended in October, but a few invoices remain pending.