

CITY OF HAMPTON
HOUSING REHABILITATION PROGRAM GRIEVANCE COMMITTEE
MONDAY, AUGUST 18, 2014, 4:00 P.M.
HEARING REQUEST BY NORTH IOWA RENTALS, LLC, MILTON HEYDE
Appeal of Notices for 120 & 120½ 1st Avenue NE, Hampton, Iowa

Attendance: Committee Members – Russell Wood, Karen Schmidt, Darin Schrader
Ex-officio Member – Doug Tarr (Code Enforcement Officer)
Property Owner – Milton Heyde
City Officials & Staff – Ron Dunt (City Manager), Chief Bob Schaefer, Capt. Mark Morrison, Mayor Brook Boehmler, Dick Lukensmeyer (Councilman), Megan Rosenberg (City Attorney), Andy Sheeler
Others Present – Nick Pedley

The Hampton Rehabilitation Program Grievance Committee held their first meeting in the City Council Chambers. Code Enforcement Officer Doug Tarr, ex-officio member of the committee, opened the meeting to address matters of electing a chairperson and secretary pro tem. Motion by Schmidt, seconded by Schrader, to approve the election of Russell Wood as chairperson. Motion approved.

Wood called for a motion to select the committee's Secretary pro tem. Motion by Schrader to appoint Doug Tarr as pro tem Secretary. Seconded by Schmidt. Motion carried.

Wood opened discussion of a recommendation to the Mayor to appoint a permanent Secretary to the committee. Motion by Schmidt to recommend the appointment of Doug Tarr as Secretary. Second by Schrader. Motion approved.

Wood reviewed aloud the procedural items for the conducting of hearings by the committee, which needed to be adopted. Motion by Schmidt to approve the proposed procedures; seconded by Schrader. Motion carried.

Wood invited Milton Heyde (North Iowa Rentals, LLC), 1507 Quail Avenue, Hampton, Iowa, 50441, and owner of 120 & 120 ½ 1st Avenue NE, to present his appeal for notices served regarding violations at this property. Mr. Heyde reviewed dates of service, content of notices served and actions taken by the City which resulted in both apartments being ordered vacated, based on citing by City Code Enforcement the existence of imminent danger. Heyde stated the definition of imminent danger did not exist, in that defective electrical issues in the upstairs apartment could be corrected by shutting off power to that unit, allowing the downstairs apartment to be occupied safely. Heyde said he feels actions taken by the City were absurd and that conditions at the house did not warrant eviction of his tenants. He further contends the 20-day deadline for appeal to the initial notice served was not honored, which he feels provides he and his tenants a stay of enforcement until the appeal is heard.

Tarr presented photographs of the City's initial inspection of the property, citing violations of exposed wiring, improper installation of electrical outlets and light fixtures, piles of garbage, broken windows, evidence of leaky roof, bug infestation and other safety requirements in the upstairs apartment. Tarr voiced concerns of safety for those occupying both apartments, based on potential fire hazards, as well as living conditions posing other health risks. He noted the code is in place to require the maintenance

of safe living conditions, and rental housing permits are issued only after housing standards are met. Tarr noted that DHS was notified, because children were among those living in the upstairs apartment.

Wood explained the committee's role is determining if the intent of the City in actions taken was that of carrying out the code with proper interpretation. He advised the committee has three options for their ruling on this appeal. 1) Support the document served and decision of the enforcement officer, 2) Modify the document, and if so what modification(s) would be made, and 3) Reverse the document. Motion to support by Schrader; seconded by Schmidt. Motion approved unanimously.

Motion to adjourn by Schmidt, seconded by Schrader.

Attest:

Doug Tarr, Secretary pro tem

Russell Wood, Chairman