

**HAMPTON CITY COUNCIL
REGULAR SESSION MINUTES
THURSDAY, AUGUST 28, 2014, 6:00 P.M.**

The Hampton City Council Regular Session was called to order at City Council Chambers by Mayor Brook Boehmler at 6:02 p.m. Council members in attendance were Meghan Freie, Dyanne Pralle, Jay Hickman, Steve Harms and Richard Lukensmeyer. James Davies was absent. Also, in attendance was City Attorney Megan Rosenberg. Mayor Boehmler invited those present to join in the Pledge of Allegiance to the U.S. flag. Mayor Boehmler called for a motion to approve the **agenda**. Motion by Pralle. Second by Harms. Motion approved unanimously.

Mayor Boehmler gave the report from the **Council Workshop** of August 25, 2014.

Public Comment: Mayor Boehmler directed staff to place a phone call to **Milton Heyde**, 1507 Quail Avenue, Hampton, Iowa, who had requested opportunity to address the City Council regarding various matters of dissatisfaction with the City's code enforcement of nuisance violations and other matters involving his properties. Mayor Boehmler invited City Attorney Rosenberg to make a statement on behalf of the City, with explanation of why Mr. Heyde was participating via phone. Rosenberg then read aloud some documents which Heyde had recently submitted to City Hall, as well as a response notice the City sent to Heyde, dated August 27, 2014, which included but is not limited to the following; "On August 27, 2014, the City received your letter regarding topics you intended to discuss during the public comment portion of the Council meeting. Item 7 of that correspondence stated "Request that Aug. 18 be declared "Cookie Thorton (sic) Day," in memory of Cookie Thorton (sic), Kirkwood Missouri, 2008." Being unfamiliar with this reference, we did some research and learned that Charles Lee "Cookie" Thornton murdered five people at a City Council meeting in Kirkwood, Missouri, in 2008. The City considers your request that the City honor a murderer, who specifically targeted City officials, to be a threat to all City employees and elected officials. For that reason you will only be allowed to present evidence at your appeal via telephone. Your phone testimony may be supplemented by written comments submitted by facsimile, in the same manner in which you submitted your correspondence on August 27, 2014. We will call you on your cell phone at 641-425-0576 at the appointed time during the meeting." Rosenberg went on to state that Heyde was further notified that pursuant to Iowa Code Section 716.7(2), he is prohibited from entering any City property. If he enters any City property, he will be arrested and charged with criminal trespass.

Mayor Boehmler then advised Mr. Heyde he would be allowed five minutes to voice his comments. Heyde denied anything threatening in his letters, and claims it was in response to what he feels is the City's practice of selective enforcement of City Code for property maintenance. Heyde said he feels his civil rights are being violated by the City, with the limitations they have placed on him recently. Heyde stated that he was seeking home addresses for elected officials to verify code compliance. Heyde expressed his dislike for homosexuality, and he feels the City may be picking on him for his opposition to homosexuality. In reference to his request for declaration of a 'Cookie Thorton Day', Heyde said he believed Thornton was never charged with murder; Thornton was persecuted and some lessons could be learned from a lot of people. Heyde stated that there are all kinds of school shootings, you hear that you shouldn't bully people, don't pick on them, but you don't hear that you shouldn't shoot at the school. Heyde further stated his intention to sue the City in state or federal court. The Mayor invited others wishing to make public comment to address the Council; none.

At 6:30 p.m., Mayor Boehmler opened the **Public Hearing** requested by **North Iowa Rentals, LLC, Milton Heyde**, in appeal of a nuisance abatement notice served for violations at his property, located

at **618 3rd Avenue SE**. Mayor Boehmler offered opportunity for City comments regarding this matter; City Attorney Rosenberg explained the appeal would serve to evaluate the appropriateness of the abatement notice. Mayor Boehmler advised Mr. Heyde he had two minutes to voice his appeal. Heyde argued two minutes is too short, not being allowed to be present in person is not fair, and he accused Doug Tarr of lying about the City receiving a complaint about his property. Heyde said if citizens did complain, he wants to know who they are. He further stated five days wasn't long enough to comply with the abatement required, when others were allowed longer times. He claims this is harassment. City Attorney Rosenberg referred comment to Tarr for evidence of non-compliance. Tarr explained that he indeed has had complaints from neighbors and is not lying. He provided evidence to the Council, which included complaint reports generated through Hampton Police Department. Tarr explained issues such as collapsed overhead garage door, holes in house and garage walk-in doors, which is allowing rodents access to garage and home. Mr. Heyde invited comments from potential buyers of the property, whom he believed to be present at the meeting. Mayor Boehmler asked if they wished to comment; they declined. Mayor Boehmler closed the Public Hearing at 6:40 p.m. Motion by Harms, seconded by Pralle, to deny the appeal and support the findings and compliance standards set by City officials. Motion approved unanimously. Mayor Boehmler asked Mr. Heyde how much time he felt he needed to abate the violations; Heyde responded 30 days. City Attorney Rosenberg noted Mr. Heyde has received three notices in the past 18 months regarding violations at this property with varying deadline requirements ranging from 5 days to 30 days; suggesting it would be reasonable to expect compliance by 9:00 a.m., Tuesday, September 2nd. Motion by Hickman, seconded by Harms, to require compliance with a deadline of September 2nd, 9:00 a.m., or cited. Motion approved unanimously.

Old Business: None.

New Business: Mayor Boehmler referred comment to Dyanne Pralle regarding updates from the Image of Pride Committee. Pralle shared that the committee recommends the **August Image of Pride Award** be designated to **Chuck and Joni Svendsen**, for their property located at **804 1st Avenue SE**. Motion by Lukensmeyer, seconded by Freie, to approve the recommendation to award the August 2014 Image of Pride to Chuck & Joni Svendsen, for property located at 804 1st Avenue SE. Motion approved unanimously.

Mayor Boehmler called on Doug Tarr to explain a request for **relocation of Persons with Disabilities parking space downtown**. Tarr advised the request came from Long-Term Medical Supply, 201 1st Street NW, who combined this proposed change with a request allow for designation of a restricted zone in front of their building for delivery and shipment purposes in the parallel parking space; see proposed Ordinance No. 352. The current Persons with Disabilities space would be relocated to just around the corner to the first diagonal space on the south side of the building. Motion by Pralle, seconded by Lukensmeyer, to approve the proposed relocation of Persons with Disabilities parking space. Motion approved unanimously.

Mayor Boehmler advised he is proposing the **establishment of Terms of Appointment for the Housing Rehabilitation Program Grievance Committee** as follows: Russell Wood – Term expires December 31, 2019, Karen Schmidt – Term expires December 31, 2018, Darin Schrader – Term expires December 31, 2017. This five-year staggered term schedule comes at the recommendation of City Attorney Megan Rosenberg, with the recent discovery that these had not been set when the committee was initially appointed in 2009. Motion by Freie, seconded by Harms, to approve the established Terms of Appointment for the Housing Rehabilitation Program Grievance Committee proposed by Mayor Boehmler. Motion approved unanimously.

Mayor Boehmler also noted the grievance committee needs the appointment of a Secretary, and the committee elected Code Enforcement Officer, Doug Tarr as their Secretary pro tem at their August 18, 2014, meeting and makes the recommendation that the Mayor appoint a permanent appointment for this position. Mayor Boehmler made the recommendation that the City's Code Enforcement Officer, who is currently an ex-officio member of the committee, be appointed to serve in this capacity. Motion by Harms, seconded by Lukensmeyer, to approve the **Mayor's appointment of the City's Code Enforcement Officer (an ex-officio member) as Secretary of the Housing Rehabilitation Program Grievance Committee.**

Mayor Boehmler called for a motion to **approve claims**. Motion by Pralle to approve claims, as recommended by Staff, totaling \$118,698.08. Seconded by Freie. Motion approved unanimously.

Mayor Boehmler introduced and offered the first reading of **Ordinance No. 352, "Amendment of Chapter 69.14 of the Hampton Municipal Code of 2009 by adding an additional Subsection thereto; designating parking space for limited parking for the purpose of making and receiving deliveries."** City Manager Dunt read the Ordinance and referenced information shared previously in the meeting. Motion by Lukensmeyer, seconded by Harms, to approve first reading of Ordinance No. 352. Roll call vote: Ayes - Freie, Harms, Lukensmeyer, Pralle and Hickman. Nays – None. Davies absent. Motion approved, and Ordinance No. 352 referred to the next regular session for further consideration.

Motion by Freie to approve the **Consent Agenda**, including previous minutes as drafted from publication from the August 14, 2014, Regular Session and scheduling the next Regular Session for Thursday, September 11, 2014, at 6:00 p.m., at City Council Chambers, and approval of renewal of liquor licensing for El Valle Tienda (JOD, Inc.), 212 1st Avenue NW, Carol's Flower Box, LLC, 116 2nd Avenue NW, and Pakoda's Steakhouse, 719 Central Avenue W, all of Hampton, Iowa. Second by Pralle. Motion approved unanimously.

Staff Reports given by **Chief Bob Schaefer**, Police Dept.; **Doug Tarr**, Public Works Director; and **Ron Dunt**, City Manager.

Council Reports given by **Hickman, Harms, Freie, Lukensmeyer** and **Pralle**. **Mayor's Report** given by **Mayor Boehmler**. Sentiments were stated that the City's intent with nuisance abatement is an effort for community improvement, not picking on anyone. Mayor Boehmler added that threats and intimidation towards City staff or officials will not be tolerated.

Motion to adjourn by Harms at 7:18 p.m. Second by Lukensmeyer. Motion approved unanimously.
Adjournment 7:18 p.m.

Attest:

Ron Dunt, City Manager

Mayor Brook S. Boehmler