



## **Agenda**

**Board of Appeals**

20 Second Avenue SW, Oelwein

5:30 PM

January 19, 2022

Oelwein, Iowa

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**Mayor:** Brett DeVore

**Mayor Pro Tem:** Lynda Payne

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### **Roll Call**

### **Approve Minutes**

- [1.](#) Consideration of a motion to approve the minutes of the April 06, 2021 meeting

### **Appeals**

- [2.](#) Discussion on 310 6th St SW appeal

### **Old Business**

### **New Business**

### **Adjournment**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



# Minutes

Board of Appeals

Oelwein City Hall, 20 2<sup>nd</sup> Avenue SW, Oelwein

April 06, 2021 - 4:00 PM

## Roll Call

**Present: Kerns, Cockerham, Lumbus, Miller, Benter**

**Also Present: Kelly (Matt Properties), Building Official Jay Shekleton**

## Approve Minutes:

1. Consideration of a motion to approve the minutes of the September 14, 2020 meeting.

A motion was made by Miller, seconded by Lumbus to approve minutes. All voted aye.

Motion Carried

## Appeals

2. Discussion on Matt Construction Rental Inspection Appeal

Kelly mentioned Matt Properties concerns with Community Development Department's process of entering their rental property the second time without notifying them.

Kerns explained one of the board members is a direct relation to the tenant of the property and will sustain from commenting.

Kerns also asked if there was any additional items Kelly/Matt Properties had

Kelly stated there were not issues with additional items that were on the inspection report. The only concern was entering the property without contacting them before entering the building.

Miller asked Matt Properties if their concern was the inspector entering the building a second time without notification

Kelly stated they would prefer to be contacted before the inspector enters the property as a courtesy

Shekleton stated that the process and procedure of the adopted IPMC can not be appealed

Kerns stated that the concern with the process would have to go in front of council to have the ordinance amended

Kelly withdrew Matt Properties appeal

No motion required

**Old Business**

**New Business**

**Adjournment**

**A motion was made by Kerns, Seconded by Cockerham to adjourn at 4:32. All voted aye.**

**Motion Carried**

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Jay Shekleton, Building Official



January 14, 2022

Dear Board of Appeals Members:

The week of October 25, 2021, the Community Development Department was contacted by the tenant residing at 310 6<sup>th</sup> St. SW. The tenant was concerned about the interior condition of the property and invited the Community Development Department to document the conditions. His concerns were the mice infestation, bed bug infestation, and the condition of the structure of the property including the electrical wiring, plumbing and the HVAC.

The Building Official met with the tenant on October 27, 2021, to verify the complaint and perform an interior inspection. During the inspection, the building official found significant signs of mice infestation. There were no visual signs of bed bugs so the bed bug infestation could not be confirmed. There were signs of a deteriorating structure, faulty electrical wiring, plumbing in disrepair, plumbing not installed properly, and insufficient heating. An exterior inspection was also performed. The most important items are listed below:

1. Floor joists and support columns that are embedded in dirt.
2. Signs that dirt had washed into the basement that surrounded and covered the bottom sides of the furnace.
3. Foundation issues such as cracks, vertical, and horizontal movement.
4. The ground elevation on the exterior of the home seemed to be higher than the main floor elevation of the dwelling.
5. Plumbing lines that are in disrepair and not properly installed.
6. Water meter and water shut off valve that are in disrepair (These items have been addressed post-inspection).
7. Electrical wiring concerns due to the mice infestation.

Due to the findings during the interior and exterior inspections of the structure, the dwelling was placarded as unfit and unsafe to occupy. A document was sent to Security Storage with the relevant code sections from the International Property Maintenance Code (IPMC); Item 2, pages 7-10 in your packet. The document stated that it was in the Building Official's opinion that the structure be demolished.

After receiving the document, Mr. Winter asked if he could spray foam the foundation. Mr. Winter was told by the Building Official the foundation could be spray foamed but the Community Development Department would have to be notified prior to work being performed. The reason this was required is so the condition of the foundation could be documented. The pictures of the foundation prior to spray foam are included in the agenda packet. Normally, the City of Oelwein does not require an inspection

**City of Oelwein Community Development Department**

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5862

for spray foaming of a foundation, but in this case, the spray foaming was included in the permit application in addition to other items that do require permits and inspections. Since Security Storage has chosen to repair the structure, an additional letter was sent by the Community Development Department to Security Storage, with the requirements needing to be addressed before any further repairs can be made. Item 2, page 11 in your document. Failure to follow these directives undermines the point of the program and the goals of the City of Oelwein.

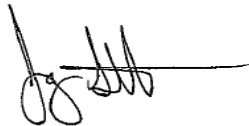
It is not just the foundation issues that are causing the unsafe conditions. It is the entire integrity of the structure. From the mice infestation that may be causing chewed wires that could lead to a serious fire hazard, to the deteriorating interior bearing beams and support columns, to the faulty plumbing, to the dirt around the bottom of the HVAC unit, each of these items alone make this property unsafe. Please keep in mind that the City of Oelwein has adopted the IPMC and implemented the Rental Inspection Program to monitor and control the rental housing standard. This dwelling is just one example of many that are below standard, which will decrease neighboring housing values and create future abatement and code enforcement issues.

As stated in Chapter 12, Article VIII, Rental Housing Program, Section 12-302: The purpose of this chapter is to provide for the inspection of residential rental properties within the corporate limits of the City of Oelwein, Iowa, in order to ensure that such properties conform to minimum standards deemed necessary for the protection of the health and safety of the occupants thereof and the occupants of surrounding properties, and to inhibit the spread of urban blight.

It is my wish that the city council and the board of appeals could see the properties that I see daily. This house is one example of a structure that has exceeded its intended use. It is up to the owner if he wants to fix the structure, but the property must be brought up to standards of the IPMC, IRC, NEC, IPC, and IMC that are all required by the state of Iowa and adopted by the city of Oelwein.

The goal of the Community Development Department is to confirm the structural integrity of the home. If these standards are ignored by the appeals committee, this goes against Iowa state law as well as the ordinances that were adopted by the City of Oelwein. As a Certified Building inspector, it is my professional opinion that Security Storage shall complete the four requirements before any further improvements are made to the structure.

Sincerely,



Jay Shekleton  
Building Official/Zoning Administrator

\$100 Fee paid  
12/23/2021

Item 2.



## HOUSING APPEALS BOARD APPEAL REQUEST

This appeal must be filed with the City within sixty (60) days of the initial inspection. The Housing Appeals Board shall then schedule a hearing within thirty (30) days of receiving the appeal. City staff shall compile information related to the inspection and identified violation. At the Housing Appeals Board hearing, City staff shall present evidence of the violation and the rental property owner will be provided an opportunity to state his/her perspective on the need to reconsider the inspector's decision. The Housing Appeals Board shall provide a ruling within ten (10) after the hearing. If the owner is not satisfied with the ruling, the owner may file a request with the city manager's office for a public hearing with the Oelwein City Council. This request must be filed within ten (10) days following the Housing Appeals Board ruling. At the next regularly scheduled meeting, the City Council shall schedule a public hearing and provide a ruling.

The appeal must include the following:

DATE: 12/21/21  
NAME: Ronald Wild  Owner  Agent  
OWNER/AGENT ADDRESS: 914 4<sup>th</sup> NE NE  
PHONE: 563-880-0443  
BUILDING ADDRESS/LAND INVOLVED: 310 6<sup>th</sup> ST SW  
ORDER OR ACTION PROTESTED AND WHY: so I can bank  
RELIEF REQUESTED FROM THE BOARD (Please check) AND WHY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Variance  Penalty Fee Review  Extension of time – until (Date) \_\_\_\_\_

SIGNATURE: [Signature]

(Office Use Only)  
CODE VIOLATION #: \_\_\_\_\_ INSPECTOR: \_\_\_\_\_

City of Oelwein Community Development Department  
20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662  
319-283-5862



**NOTICE: UNSAFE STRUCTURE  
\*\*\* ACTION REQUIRED\*\*\***

October 28, 2021

Security Storage  
%Ronald Winter  
914 4<sup>th</sup> Ave NE  
Oelwein, IA 50662

**REGARDING:**  
310 6<sup>th</sup> St. SW  
Oelwein, IA 50662  
Legal Description Attached

Mr. Winter,

This letter is an official notice that the property located at 310 6<sup>th</sup> St. SE, Oelwein, IA 50662 is in violation of the City of Oelwein Code, Chapter 25, Section 25-8. Therefore, you are being served with this notice of violation.

**310 6<sup>th</sup> St. SW**

Recorded on: **October 28, 2021**

**CITY CODE: Section 25-8 Unsafe Structures and Equipment**

- A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
- C. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- D. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- F. Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
  - 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
  6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
  8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
  9. A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
  10. Any building or structure, because of a lack of sufficient or proper fire-resistance rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- J. Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.
- K. Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

#### **Section 25-7 Notices and Orders**

- F. Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order

#### **City of Oelwein Community Development Department**

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5862



or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**Section 25-39 Pest Elimination**

- A. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.
- B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- C. Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
- D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.
- E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
  - 1. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

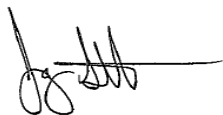
**Therefore:**

It is the Community Development Department’s opinion based on the condition of the Structure, Plumbing, Electrical, and HVAC, that the home located at 310 6<sup>th</sup> St. SW be demolished and the ground it sets upon to be leveled and seeded by December 13, 2021, (45) days from the date of this letter.

**Failure to comply with any component of this directive will result in referral to the City Attorney.**

**Right to Appeal:** You have the right to appeal this notice and order by filing a written application for appeal with the Housing Board of Appeals for the City of Oelwein. Applications for appeal are available upon request at the Community Development Office located at 20 Second Ave SW in Oelwein.

**Right to File a Lien:** If you fail to correct these violations, any action taken by the City of Oelwein, the authority having jurisdiction, may be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.



**Building Official/Zoning Administrator**

**City of Oelwein Community Development Department**

20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662

319-283-5862

**Attachment**

**LOT 5, BLOCK 3, FENNERS ADDITION TO OELWEIN, AND THE EAST 20 FEET OF LOTS 147 AND 148, BLOCK 13, STICKNEY'S ADDITION TO OELWEIN, FAYETTE COUNTY, IOWA**



November 17, 2021

Security Storage  
Ron Winter  
914 4<sup>th</sup> Ave NE  
Oelwein IA 50662

Mr. Winter,

On October 27, 2021, the Community Development Department placarded the structure located at 310 6<sup>th</sup> St. SW due to unsanitary and unsafe conditions. Below is a list of requirements to be completed for further inspection. No other work shall proceed until these items are completed. Please contact the Community Development Department when items listed below are ready for the next inspection.

- Bottom 6 inches of sheet rock located on the exterior walls shall be removed for further inspection. This is required on the exterior walls along the west and north walls of the living room, west wall of the center bedroom, and west and south wall of the SW bedroom. Contact the Community Development Department when areas are ready for inspection.
- All dirt located around the support columns in the west basement of the structure shall be removed from around the columns, to the piers they're sitting upon for further inspection.
- All dirt in contact with floor joists shall be removed from around the floor joists for further inspection of the floor joists.
- Dirt shall be removed, and the west side foundation exposed for further inspection. Pictures taken prior to spray foam show signs of loose, repositioned, and removed foundation blocks.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Shekleton", with a horizontal line extending to the right.

Jay Shekleton  
Building Official/Zoning Administrator

**City of Oelwein Community Development Department**  
20 2<sup>nd</sup> Ave SW Oelwein, Iowa 50662  
319-283-5862

Item 2.



Item 2.



Item 2.





Item 2.











0 7736 00905 6

**R-OUTDOOR**  
**High Power**

**R-OUTDOOR**  
 room with out  
 EXTRA THICK  
 STRONG  
 ANGLED  
 RESEALABLE

Use & Care  
 To prevent the loss of seed, please  
 avoid shaking the bag. In order to  
 obtain the maximum benefit from  
 this product, it is recommended that  
 you use a funnel to transfer the seed  
 to your feeder.



Item 2.



Item 2.



Item 2.









Item 2.





Item 2.













ASSEMBLED IN  
MEXICO











Item 2.









Item 2.



Item 2.







**QO LOAD CENTER**  
 3000 AMPERE SERVICE  
 QO-6-12L100S G4  
 TYPE 1 ENCLOSURE  
 SINGLE PHASE 240 V. MAX. 50/60 HZ  
 MAINS 100 AMP.

**CENTRO DE CARGA QO**  
 3000 AMPERES DE SERVICIO  
 QO6-12L100S G4  
 GABINETE TIPO NEMA 1  
 LINEA DE FASE 240 V. MÁX. 50/60 HZ  
 LINEA PRINCIPAL DE 100 A COMO MÁXIMO

DO NOT USE THIS SPACE / NO UTILICE ESTE ESPACIO

1 2 3 4 5 6 7 8

**SQUARE D COMPANY**

23027

**⚠ DANGER**  
 HAZARD OF ELECTRICAL SHOCK, BURN OR EXPLOSION.  
 Turn off power before working on or inside this equipment.  
 Turn off power before working on or inside this equipment.  
 Failure to follow this warning may result in death, serious personal injury, or electrical shock.

**⚠ PELIGRO**  
 PELIGRO DE LESIONES ELÉCTRICAS, QUEMADURAS O EXPLOSION.  
 Desconecte la fuente de alimentación de este equipo antes de realizar cualquier trabajo en su interior. Consulte todas las advertencias de advertencia antes de trabajar.  
 El incumplimiento de las advertencias puede producir la muerte, lesiones personales graves o una descarga eléctrica.

**WARNING**  
 This equipment is designed and tested by Square D, and meets the requirements of the National Electrical Code (NEC) and the National Electrical Manufacturers Association (NEMA) standards. Use of substandard parts may reduce the safety, performance, and life of the equipment.

**ADVERTENCIA**  
 Este equipo ha sido diseñado y probado por Square D, y cumple los requisitos de los códigos de la Asociación Nacional de Fabricantes de Equipos Eléctricos (NEMA) y el Código Nacional de Electricidad (NEC). El uso de componentes subestándares puede reducir la seguridad, el rendimiento y la vida útil del equipo.  
 El incumplimiento de las advertencias puede producir la muerte, lesiones personales graves o una descarga eléctrica.

40270-145-03





# DANGER DO NOT ENTER Unsafe to Occupy

Under Chapter 1 Section 108 of the International Property Maintenance Code. Adopted by the City of Oelwein.  
**IT IS UNLAWFUL FOR ANY PERSON TO CONTINUE TO OCCUPY OR USE THESE PREMISES UNDER PENALTY OF THE LAW AS PROVIDED FOR IN SAID ABOVE SECTION.**

Any person guilty of violation of the above shall be subject to a fine of \$100.00 or imprisonment for 30 days or both.

BUILDING DEPARTMENT  
CITY OF OELWEIN, IOWA

DATE: October 27, 2021  
Inspector: Jay Shablon

Building Official: [Signature]

Any unauthorized person who removes or defaces this notice will be prosecuted as provided by law.

# WARNING DO NOT ENTER UNFIT FOR HUMAN OCCUPANCY

This property has been deemed unsanitary and/or infested and/or contaminated pursuant to City Code 25-8.  
**It is unlawful for any person to continue to occupy or use these premises under penalty of the law as provided for in City Code.**

Any person guilty of violation of the above shall be subject to a fine of \$100.00 or imprisonment for 30 days or both. ANY UNAUTHORIZED PERSON WHO REMOVES OR DEFACES THIS NOTICE WILL BE PROSECUTED AS PROVIDED BY LAW.



DATE: October 27, 21 COMMUNITY DEVELOPMENT DEPARTMENT

INSPECTOR: Jay Shablon  
BUILDING OFFICIAL: [Signature]



310



**DANGER**  
**DO NOT ENTER**  
Unsafe to Occupy

When Occupied, I warrant that the above-mentioned property is safe for occupancy and that I am not aware of any conditions that would make it unsafe to occupy. I warrant that I am not aware of any conditions that would make it unsafe to occupy. I warrant that I am not aware of any conditions that would make it unsafe to occupy.

**WARNING**  
**DO NOT ENTER**  
UNFIT FOR HUMAN OCCUPANCY

**ORLEN** ORLEN





Item 2.



Item 2.



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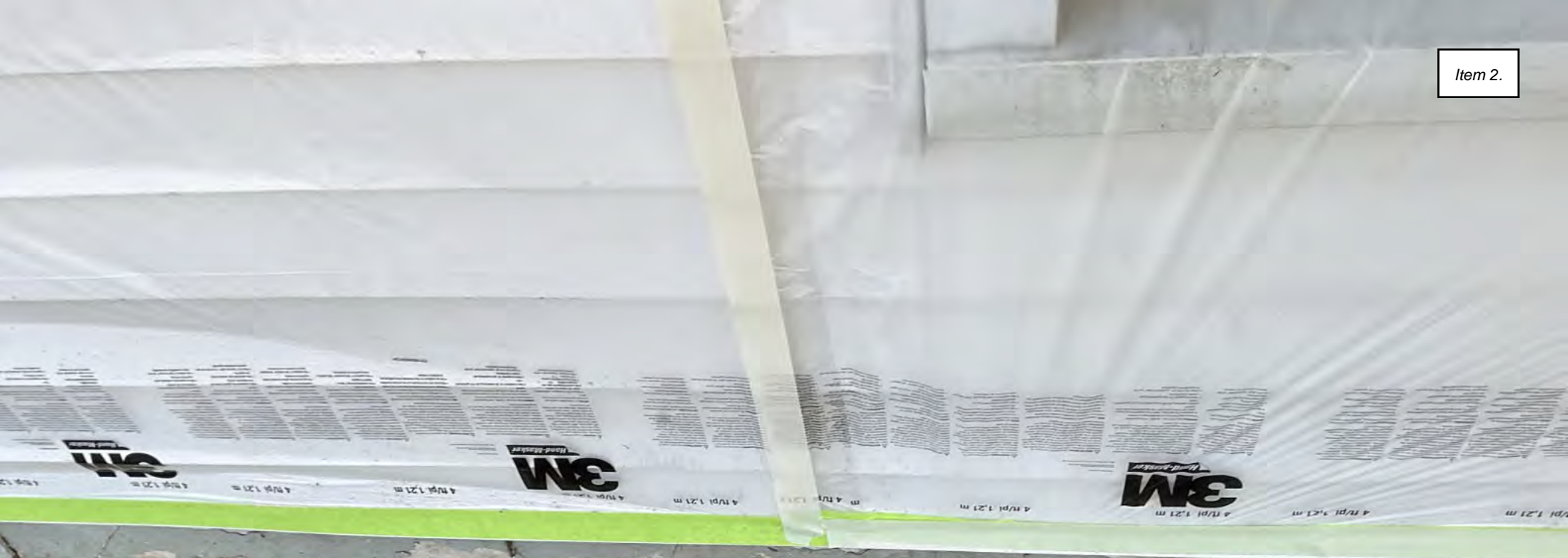




Item 2.







Item 2.





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Item 2.









Item 2.





E<sup>3</sup> PVC DWV [EAGLE] ASTM D 2689 40,830 PSI

1 1/2" EAGLE PVC1120 SCH 40 ASTM D1785 [EAGLE] EAGLE PVC1120 DWV ASTM D2689

80273G 863577 1 1/2" EAGLE PVC1120 SCH 40 ASTM D1785 [EAGLE] EAGLE PVC1120 DWV ASTM D2689















Item 2.



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Schmidt and Ma  
D.D.S. degrees.  
rtholomew, Willia  
Robert W. Cofar  
nger, Fernando A.  
o B. Lowensart  
er, Lois E. Me  
n L. McMorran,  
yer, Robert E.  
omich, John L.  
Widegren and  
D.D.S. degrees.  
rider, Neil

Price

*Big-Car Luxury and  
at the Lowest Prices of*

The closer you compare  
more certainly you'll see that Pontiac  
the standout buy on automobile row.  
might clone Pontiac



Item 2.



MEB  
7 548252007 5  
BARCODE NUMBER



Item 2.



Item 2.





