



COMMITTEE OF THE WHOLE AGENDA
Tuesday, May 2, 2023 at 6:00 p.m.
Adel City Hall, 301 S. 10th Street, Adel, IA 50003

NEW BUSINESS

- a) March 7, 2023 Committee of the Whole Meeting Minutes
- b) Greater Dallas County Development Alliance – Rachel Wacker, Executive Director
- c) Nuisance Abatement Issue
- d) Interim Administration Services Proposal from Callahan Municipal Consultants, LLC

OTHER BUSINESS

ADJOURNMENT

Committee of the Whole
Tuesday, March 7, 2023 – Meeting Minutes

The City of Adel's Committee of the Whole met in the council chambers at Adel City Hall. McAdon called the meeting to order at 6:01 p.m. Members present: Christensen, McAdon, Miller, Ockerman, and Selby. Others present: City Administrator Brown, Finance Director Sandquist, Public Works Director Overton, and Parks & Recreation Director Schenck.

NEW BUSINESS

a) February 7, 2023 Committee of the Whole Meeting Minutes

Motion by Miller, seconded by Selby, to approve the minutes. Motion carried unanimously.

b) Hotel Study Update – Brenda Patek with Patek Hospitality Consultants, Inc.

Brenda Patek gave a presentation on her firm's proposal for a hotel feasibility study and answered questions. Patek suggested her study would be valid for 6-12 months. While some hotels are limited service, Patek's report may offer some restaurant suggestions. Patek noted that it can be very clear when a hotel will not work. Factors include no growth, local businesses not expanding, and limited tourism. The committee discussed the City's previous hotel studies, potential locations, and waiting until next year.

Christensen motioned, seconded by Selby, to delay consideration of a hotel feasibility study for 12 months. Motion carried unanimously.

c) Island Park Campground Project Requests – RCM Campground Investments, LLC

In an email, RCM presented three project requests for the Island Park Campground. Ockerman stated that the City's sanitary sewer tanks must be fixed before future camp site connections are made. Schenck stated that the tanks collect ground water over the past two winters. City staff will get bids to repair or replace the tanks. Ockerman and Christensen noted that RCM's camp site connection proposal must meet SUDAS.

McAdon asked about support for RCM's pool proposal, but City staff cited liability and DNR concerns.

McAdon asked about RCM's special events proposal. Brown stated that RCM should follow the City's normal permitting process. Ockerman stated that RCM will need to coordinate with the Adel – De Soto Soccer Club and with the Chamber. Issues could include parking, sewer, insurance, and police presence.

d) Interim Management and Operations Proposal

Brown stated that City staff met with the mayor, Miller, and Ockerman to discuss proactive measures in response to Brown's potential medical leave. Miller stated that the group considered several options and believes a combination of internal oversight and an external consultant would work well.

Christensen stated that this approach is a part of the continuation of government and succession planning. Schenck noted that previous interim city administrators were unproductive and caused issues. McAdon noted that City Hall should move expeditiously to hire a part-time front desk employee. Miller suggested asking for a legal opinion on any supervisory authority questions before implementing the internal idea.

e) Water Utility Update

Brown stated that City staff has received a tentative quote from PFM to conduct a cost of water production analysis. This analysis could be used in future discussions or negotiations with entities like the Xenia Rural Water District, the upcoming Central Iowa Water Works group, or a large industrial user. The committee was supportive of having PFM prepare a formal proposal for the council to consider.

f) Greater Dallas County Development Alliance Draft Funding Agreement

Brown stated that the City has been working with the Greater Dallas County Development Alliance since August to understand how the City’s annual \$15,382 funding contribution would be used. The City has also developed a draft funding agreement to set levels of service for this funding. The Alliance has changed its staffing over the years and is working to update its strategic plan (last updated in 2021). The committee asked to meet with a representative of the Alliance next month.

g) FY23-24 Budget – Proposed Levies

Sandquist provided the proposed Fiscal Year 2023-2024 Budget levies, which have been updated after the State Legislature passed a bill that adjusted the multi-residential rollback. City staff is suggesting basing the levies on the actual dollars needed, but the City could adjust the levies based on the new bill. Ockerman and McAdon stated that they support the levies reflecting the City’s needs. Christensen noted that it is unclear what other State bills will be passed and how they will affect future local government budgets.

h) Licenses and Certifications

Brown stated that the City’s policy on extra pay for certain licenses and certifications was revised a few years ago in the Employee Handbook. Some City staff are currently seeking certifications that, under the policy, would not be compensated. Brown noted that the City is providing work time for City staff to study for tests, along with work time and vehicles to travel to take the tests. Overton noted that the City should continue to encourage City staff to better themselves. The committee suggested removing the policy from the handbook and handle these situations based on job duties and offer letters.

i) South Dallas County Landfill Annual Report

McAdon summarized the landfill’s annual report. A separate question of whether to integrate the landfill with the City will be discussed by the City’s Water, Sewer, and Sanitation Committee in the future.

OTHER BUSINESS

McAdon noted that the ADM Facilities Planning Committee has developed two preferences: either a new high school (which would require a land purchase) or a new 5-8 middle school near Meadowview Elementary.

Miller noted that he will not be running for reelection.

ADJOURNMENT – 8:30 p.m.

Respectfully submitted: Anthony Brown, City Administrator



Invoice

DATE	INVOICE #
7/11/2022	23646

BILL TO

City of Adel Anthony Brown PO Box 248 Adel IA 50003
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TERMS
Net 30

DESCRIPTION	RATE	HOURS	AMOUNT
One year membership to Greater Dallas County Development Alliance Thank you for your investment in the Greater Dallas County Economic Development Program	15,382.50		15,382.50

Total	\$15,382.50
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Please make checks payable to Greater Dallas County Development Alliance or "GDCDA".
 Phone: 515-987-2020

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure

50.01 DEFINITION OF NUISANCE.

Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED.

The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
10. **Dutch Elm Disease.** Trees infected with Dutch elm disease. **(See also Chapter 151)**
11. **Airport Air Space.** Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

50.03 OTHER CONDITIONS.

The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions that are deemed to be nuisances:

1. **Junk and Junk Vehicles (See Chapter 51)**
2. **Dangerous Buildings (See Chapter 145)**
3. **Storage and Disposal of Solid Waste (See Chapter 105)**
4. **Trees (See Chapter 151)**
5. **Grass and Weeds (See Chapter 152)**

50.04 NUISANCES PROHIBITED.

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT.

Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

(Code of Iowa, Sec. 364.12[3h])

50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.

Any nuisance, public or private, may be abated in the manner provided for in this section:

(Code of Iowa, Sec. 364.12[3h])

1. Contents of Notice to Property Owner. The notice to abate shall contain: †⁴
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, Sec. 364.12[3h])

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.

(Code of Iowa, Sec. 364.12[3h])

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

(Code of Iowa, Sec. 364.12[3h])

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

Notes

4 † **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.

In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.



Callahan Municipal Consultants, LLC

417 Kaitlynn Ave Anamosa, IA 52205 Cell: 563-599-3708 callahan.cmc@gmail.com

April 27, 2023

Mr. Anthony Brown
City Administrator
City Hall – PO Box 248
Adel, Iowa 50003

Re: Interim Administration Services

Dear Anthony:

You recently requested a proposal for consulting services for assistance during an interim period of time. We would be pleased to provide this type of assistance to the City of Adel on an interim basis.

It is our understanding that all of our consulting services could be provided by telephone or through an exchange of emails. We would not need to travel to Adel to attend any meetings in person. We may or may not be required to provide written reports or letters, depending upon the type of request.

Since we do not know the level of assistance or time commitment that may be needed, we agreed to provide our consulting services on a “time and material basis.” We will charge \$80 per hour for our consulting services. We would agree to place a cap of \$6,000 on the total amount of our fees for the entire interim period, unless the cap is increased in advance by the Adel City Council.

We would also propose that we include in this process the services of three additional city consultants:

- Mark Jackson, City Administrator in Story City
- Wanda Hemesath, Retired City Clerk from Decorah, Iowa
- Brent Hinson, Finance Directors & Assistant City Administrator from Mason City, Iowa.

We will be the City’s main contact person and all invoices to the City will come from us. Depending upon the consulting services requested, we may delegate some of the City’s inquiries to Mr. Jackson, Ms. Hemesath, or Mr. Hinson. We will pay the three consultants for their time and then include the reimbursement from the City on our invoices. Mr. Hinson has this same type of arrangement for consulting services with the City of Riverdale, Iowa. We feel that our areas of expertise and skill sets complement each other and will provide the City a greater spectrum of knowledge and experience.

Please be advised that neither Mr. Jackson, Mr. Hemesath, Mr. Hinson nor I are attorneys or civil engineers. If we are asked for advice or recommendations on areas beyond our expertise, we reserve the option to refer the City to the City Attorney or City Engineer for

legal counsel or additional advise.

If the Adel City Council decides to accept this proposal, we will send you a contract for services with this letter attached as an exhibit. Thank you for contacting us.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Callahan". The signature is written in a cursive style with a large initial "P".

Callahan Municipal Consultants, LLC
Patrick Callahan, Municipal Consultant