

**Ruthven City Council Meeting  
July 07, 2015, - 6:30 PM**

The Ruthven City Council, of the City of Ruthven, Iowa, met on the 7<sup>th</sup> Day of July, 2015, at 6:30 PM, in regular session, in Council Chambers at City Hall, pursuant to law and to the rules of said council.

Meeting was called to order by Mayor David J Kirk in the Chair, and the roll being called, the following members were present: Mitch Anderson, Dave Forey, Dustin Johnson and Jay Schoning. Absent: Justin Henningsen

City employees present: Engineers Kelly Evans and Lenny Larson, Sheriff Lynn Schultes, Deputy Seth Nelson, Nuisance Abatement Officer Darren Bumgarner, PWD Dave Conlon, Street Supt. Toad Loder and Clerk Margaret Tatman. Guests (per sign in sheet): Rick Voss, Jo Voss, Rodney Eaton, Joan Cate, Ray Christians, Ernie Pooler, Barb Knapp, Marv Steffen, Maxine Hansen, Ted Schneider, Gina Grund, Robert Grund, Carla Larson, Dena Baker, G'ma Evans, Ralph Ruggles, Mrs. Ralph Ruggles, Ronda Eaton, Jeff Cacek, Gina Evans, Richard Marlow, Heath Scott, Shona Horst and Dewey Horst.

Motion by Forey, second Anderson to approve the Minutes from June 16, 2015 meeting, June 23, 2015 special meeting amended minutes (add Jr. Bates as guest), Claims Report, Clerk's Financial Reports and approval for payout of PACGDC Demolition Grant Monies to John Naber and David Kirk. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen.

Alan Opedal was present and requested permission to haul in tree branches from Lost Island Lutheran Church to the city tree dump. He estimated a full dump truck load of branches. Motion by Anderson, second Schoning to allow LILC to haul the tree branches into the city dump. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen.

Heath Scott was present and requested a 3-way stop be put in on Rolling and Haugen Streets by his property. He expressed concern that there are "a lot of people speeding fast there and there are a lot of young children in the area." Sheriff Schultes was asked his opinion and stated that his department can give a lot more attention to that area and stop the speeding. He has no doubt they can do more patrol. He stated that a stop sign will help a bit, but may be more hazardous. Decision was made to put Stop Sign Install on the Aug 4, 2015 agenda and have Sheriff Schultes get back to the council with results and suggestions and have council vote on the item. Clerk Tatman was instructed by Mayor Kirk to post Public Notice that the council is considering installing stop signs at the location to help prepare citizens of the possible change of driving in that area.

Nuisance abatement letters were discussed. Enforcement Officer Bumgarner was asked to start with explanation of findings. He stated there were 27 letters sent out by June 17, 2015. The first letters were "Courtesy Letters" with the nuisances to be cleaned up by July 15, 2015, at which time he would do another drive through. The nuisances remaining would then receive the second letter, "Violation Letter's." If not cleaned up and completed per requested, remaining nuisances would receive Municipal Infractions.

Mayor Kirk stated that NWIPDC is contracted with the city same as sheriff's department has a contract. NWIPDC has authority granted per contract. He stated in the past it was the Mayor and Council doing the nuisance violations and the same violators were sent letters every year. With NWIPDC it is a non-biased contracted employee doing the investigating.

Bumgarner then added he felt there were other offenders that could have gotten letters, but he went through the best he could for the first drive through. He tries to be honest and fair but follow the nuisance codes the city has.

Mayor Kirk then opened the floor for public discussion. Robert Grund stated he started and passed around a petition that was worded and typed as a "Petition to the Mayor and City Council of Ruthven. Petition to change the way Nuisance Complaints are handled in the City of Ruthven. We, the undersigned believe that the nuisance letters that were sent out to random citizens were unrealistic. Violations that were cited on these random properties can be found in several area of town that was not cited. We request that Northwest Planning and Development no longer handle our city nuisance ordinances." There were a total of 7 pages with 150 signatures handed to Mayor Kirk. Mayor Kirk asked Bumgarner if the letters were "random" selections. Bumgarner stated "No and the pictures attached to each letter proves they aren't."

Barb Knapp was next up and stated she wrote the petition as she was upset about the letter. She then started passing around pictures she had taken around town of other violations that were not cited. She is very upset because the property they own was a tax sale property and they have put in a lot of effort to clean it up and then they get a nuisance letter on it. She thought that is was very trivial that the broken mirror on the red car was picked on. Bumgarner stated that the city code does state vehicles cannot have broken windows, mirrors etc. As for the pictures she presented, he can't tell when or if those "violations" were there when he was in town or have come to be after his visit. Mayor Kirk then stated that we really did need to hire the outside agency because there are several properties that never get completed with the old way they did it. As a town we need to clean-up and come together.

Gina Evans and Richard Marlow both spoke about the “house next door” not getting a letter. The house has been empty for 25 years. Mayor Kirk stated that abandoned houses fall under State of Iowa Code 657a.10a where a city can petition for title to that property. Ralph Ruggles asked “if that house has been empty for 25 years do these people get same time?” Mayor again stated that abandoned houses are treated differently per state law.

Mayor Kirk stated to the public that the roll out of the letters was not a good one. NWIPDC needs to address the roll-out of the letters and they should’ve had someone in the office to take calls and answer questions while Bumgarner was out of the office for two weeks on vacation. He stated that he himself would’ve been upset if he got a letter, called to talk to Bumgarner and had to leave a message on his machine.

Jeff Cacek received a letter that he had junk on his business property. Can he not do this on his property? His business is zoned as light industrial. Bumgarner told him that his letter was mainly about the unlicensed vehicles, boats and trailers. He suggested that maybe a fence be put around the “junk.” Ordinance doesn’t specify a fence is necessary, but it would cover up the pile.

Rod Eaton stated he was told per phone conversation with Bumgarner he can’t have any farm equipment in town and he also has to clean up all vegetation and he can’t do it all because there is a slough there. The railroad recently took trees down and left them on his property and they haven’t cleaned it up either. Mayor and Bumgarner will take a look and see what he is referring to.

Carla Larson asked what happened to people that have violated in the past? Mayor Kirk responded that they received two letters and were taken to court.

Mayor Kirk told the people that city council is not changing the nuisance ordinances we are just enforcing what is in effect currently. We are not trying to persecute people we want the city to look good. We are trying to get them cleaned up so people want to move into town. Bumgarner stated that if the city wanted to they could go in and clean-up properties and access the costs to the property taxes.

Eldena Baker spoke next and pulled out her pictures that were included in the letter she received. She showed Bumgarner a picture and asked him what was wrong with what was on it? Bumgarner said he would need to see all the pictures to be able to tell. She threw the first picture at Bumgarner and was warned by Deputy Nelson to not throw the pictures and wait and listen to Bumgarner. She then stated to Bumgarner and city council that you are not going to tell me how to live. At this point a lot of comments all at once came from the public and Mayor Kirk called for order. Motion by Schoning to close discussions on nuisances and move on to next agenda item. No second brought to table, motion dropped.

Jo Voss was then addressed to speak. She stated she would like a copy of the nuisance ordinances. Mayor Kirk told her that she can come into city hall and Clerk Tatman will get those for you. She then stated that the minutes should include the Mayor’s statement that “the roll out of the letters was not a good one.” Clerk Tatman commented that she will be putting them in and also that statement was put into the Special City Council Meeting Minutes from June 23, 2015 meeting. It was published in the July 1, 2015 Ruthven Zipcode.

Ralph Ruggles said “Do 10 properties a year why won’t that work? Mayor Kirk replied saying “we have done 5 each year but those properties continue to go back to the same condition.”

Gina Evans stated “just because you think its junk doesn’t mean it is to her. My camper is licensed and the wood on the land was for a project which they are done with now. I have several grills that are used for different ways to cook meat. Why do I have to follow the ordinances when my neighbor 60 feet from my property doesn’t have to?” Mayor Kirk responded that those neighbors are outside Ruthven city limits. He is working with the Palo Alto County Board of Supervisors about doing a County Nuisance Ordinance for the County to be able to enforce.

Mrs. Ralph Ruggles as a question: “Who is responsible for the bar? The south side of the building, in-between the bar and Mad Butchers building is full of weeds and debris. Why don’t they have to clean up? Bumgarner made note of business to check on it.

Joan Cate asked if she could make a comment. She said that there are at least 2 of the council seats and mayor position that will be on ballot this year. If you want to run for council, do it! She also commented that she doesn’t want to do their job and feels this is a very positive thing for Ruthven.

Ralph Ruggles said you need to allocate money for volunteers to assist and help clean up and paint houses. Mayor Kirk stated that the next agenda item will cover that comment, but we all can be neighborly and help clean or give monetary donations to help.

Carla Larson asked “How are you going to notify the public or the offenders there are volunteers. Mayor Kirk again said the next agenda item will cover that also.

Mayor Kirk then asked for discussion from council on whether to keep going as planned with NWIPDC or cancel the contract with NWIPDC. Forey said he feels council should’ve been notified that Bumgarner was going on vacation before letters went out but otherwise we should keep them. Bumgarner replied that he was under the impression from the first meeting that the city wanted to run this ASAP. He takes blame for no notice on vacation

time and that no one else knew how to answer questions. Johnson then commented he would like it to continue. He thought it was to be un-biased but thought more people should've gotten letters. He wants to see the town cleaned up and looking good. Schoning asked who all had authority on this. Mayor Kirk said per ordinance the offender does have the right to come to council to dispute it. Schoning then said he thinks we should stay with NWIPDC. Anderson said we do need to work out a few bugs but we need to keep using NWIPDC.

Rick Voss asked how long will it continue? Is it open ended? Mayor Kirk said that the habitual violators are costing a lot of city money. The real issue is we need to get people cleaning up their yards. He also mentioned that there are some false statements going around such as, if you have a for-sale sign in your yard you are not subject to nuisance violations. This is false. Mayor Kirk then stated that council has stated they are all for keeping NWIPDC.

Gina Evans asked if Bumgarner can do another round and get more violators. Motion by Forey, second Schoning, to have Bumgarner do a second check on the original properties the week of August 10, 2015. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen. Mayor Kirk stated that if there is a property you feel needs a nuisance letter, go into city hall and fill out a Complaint Form. Then the City Clerk will get it to Bumgarner for him to look at and decide if it is in violation. If there are more violators he will do more letters. Bumgarner stated that it sounds like now you have a list of others, so give me a list and I will check them out. Motion by Johnson for Bumgarner to do another check for more violators who should get courtesy letters too. No second brought to table, motion dropped.

Nuisance abatement volunteer assistance was discussed. Mayor Kirk stated there are some people that aren't physically able to do the clean-up and he would like to see a group of volunteers assist this group of people. How can we organize this? Joan Cate comments that you need to put a newspaper article or ad about the volunteers needed and set-up a separate meeting for volunteers to attend. Also put something on the city website that volunteers can sign up to help and have a sign-up sheet in city hall. Motion by Anderson, second Johnson, to set up a Community Meeting on July 21, 2015 at 6:30 p.m. in the Social Center for discussing and setting up a Nuisance Abatement Volunteer Assistance Group. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen.

Mayor Kirk then asked for updates on Water, Sewer, Streets, Cemetery and Park/Pool. Engineer Evans discussed street repairs and presented council and mayor with a Roadway System Maintenance Report for Carr and Rolling Streets. Motion by Anderson, second Johnson to direct Clerk Tatman to set up a meeting with Mayor Kirk, Street Superintendent Loder, Public Works Director Conlon, Councilman Forey, Engineer Evans, Ruthven Rocks owner Jeff Cacek and Ruthven Elevator employee Bruno to set up "Truck Route" streets prior to repairing any streets. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen

Engineer Larson then presented council and mayor a Proposed Project Schedule for the Sanitary Sewer System Improvements and read through it. It is his hope that bidding will be in January 2016 and the project will be completed by September 30, 2016.

PWD Conlon said the pool is running good now. A new pool heater was purchased and installed and heating well.

St. Super. Loder stated that he and PWD Conlon have been patching holes in streets.

Mayor stated the cemetery maintenance is going good. Johnson said he was out there during 4<sup>th</sup> of July weekend and cemetery looked great.

Motion by Anderson, second Johnson to adjourn meeting at 9:25 p.m. Ayes: Anderson, Forey, Johnson and Schoning Nays: None Absent: Henningsen