

**REGULAR CITY COUNCIL MEETING
TUESDAY – NOVEMBER 1, 2022 – 6:00 PM
EVANSDALE CITY HALL**

AGENDA

1. Call to order
2. Pledge of Allegiance – Led by Steve Seible
3. Roll call
4. Approval of the November 1, 2022 agenda
5. Approval of October 18, 2022 regular meeting minutes and October 25, 2022 special meeting minutes
6. Public discussion: Non agenda items
7. Approval of the Consent Agenda – All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion
 - a. Liquor License : Station Mart #2, #LE0003821 – Effective December 20, 2022
8. Approval of the Resolution Calendar – All items listed under the Resolution Calendar will be enacted by one vote. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.
 - a. Resolution 6652 authorizing payment of bills and transfers
 - b. Resolution 6653 approving the destruction of documents according to State of Iowa Code 372.13(5)
 - c. Resolution 6654 approving commercial tax abatement for Advanced Storage
 - d. Resolution 6655 approving payment #2 to Municipal Pipe Tool for the Saunders & Miner Lining Project
9. Board Appointment:
 - a. Library Board – Emilia Sanchez - to fill a vacancy with term ending 06/30/2024
10. Request from Police Chief to purchase bullet-proof vests in an amount not to exceed \$1,664.20 (Verbally approved previously)
11. Discussion/Action: Nuisance Abatement – Code of Ordinance Chapters 50 & 51
12. Mayor/Council Reports
13. Adjournment

CITY HALL
EVANSDALE, IOWA, OCTOBER 18, 2022
CITY COUNCIL
DEANNE KOBLISKA, MAYOR, PRESIDING

The City Council of the City of Evansdale, Iowa met in regular session, according to law, the rules of said Council and prior notice given each member thereof, in the Council Chambers of City Hall of Evansdale, Iowa at 6:00 p.m. on the above date.

Council members present in order of roll call: Smock, Bergman, Nichols, Seible, and Osborne. Quorum present.

Seible/Nichols to approve the agenda for the October 18, 2022, meeting. Motion carried.

Nichols/Bergman to approve the minutes from the October 4, 2022, meeting. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Ayes-Five. Motion carried.

Park Board update: Youth Softball presented by Tom Nichols and Rick Nolan. Over the last few months, the Park Board had meetings regarding the youth softball program. The board addressed problems regarding facility maintenance, finances, and moral. Cedar Valley Sports Association was presented a one-year contract for running the youth softball program that could be renewed depending on performance. Seth Gerst, Cedar Valley Sports Association, said that the association has been fundraising and they are excited to continue with the program.

Nichols/Seible to approve the Consent Agenda – All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion: a. Accept and place on file the minutes and reports from the following Departments, Boards, and Commissions (n/a = not available): Ambulance & Fire Report (Sept), Building Inspection Report (Sept), Clerk/Treasurer Report (Sept), Code Enforcement Report (n/a), Evansdale Municipal Housing (Sept), Library (Sept), Parks & Rec Dept. (Sept), Planning & Zoning (n/a), Police Dept. (Sept), Storm Water Commission (Dec '21), Wastewater (Sept), and Water Works (n/a). Ayes-Five. Motion carried.

Smock/Bergman that all the following items listed under the Resolution Calendar will be enacted by one vote. a. Resolution 6647 authorizing payment of bills and transfers. b. Resolution 6648 authorizing City Clerk to certify TIF Debt with County Auditor. c. Resolution 6649 receive and place on file Civil Service list. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Resolution adopted.

Bergman/Seible that Resolution 6650 for setting compensation for Full-time Police Officer - Dalton Epley. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Resolution adopted.

Seible/Smock to open the Public Hearing for the proposed Amended and Restated Plan for the Evansdale Urban Revitalization Area at 6:33 p.m. Proof of publication on file and no public comments were received. Mayor Kobliska stated that the current plan allows up to \$75,000 for tax abatements split out into a tiered program. Bond Counsel recommended giving every property owner the same amount across the board. Seible/Bergman to close the public hearing at 6:35 p.m.

Seible/Smock that Resolution 6651 for adopting the amended and restated Urban Revitalization Plan for the Evansdale Urban Revitalization Area. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Resolution adopted.

Osborne/Bergman to approve Ordinance 685 amending the Nuisance Abatement process to include person in possession of nuisance. The Mayor said it was a recommendation from the City Attorney to add language allowing the City to issue a municipal infraction against renters. The assessment costs would still be assessed to property owners. Nichols said that he believed that landlords should be responsible for managing the properties and tenants. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Resolution adopted.

Bergman/Seible to waive second and third readings of Ordinance 685 amending Nuisance Abatement process to include person in possession of nuisance. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Resolution adopted.

Smock/Seible to adopt Ordinance 685 amending Nuisance Abatement process to include person in possession of nuisance. Ayes: Bergman, Nichols, Osborne, Seible, Smock. Nays: None. Ordinance adopted.

Seible/Osborne to approve the request from Chief Dean to allow the purchase in the amount of \$350 for Sergeant Weber's service weapon. Ayes-Five. Motion carried.

Bergman/Seible to approve the request from Public Works Director to replace asphalt in an amount not to exceed \$2,500 on Deerwood Road. Ayes-Five. Motion carried.

Osborne/Nichols to approve the request to apply & sign Wastewater & Drinking Water Treatment Financial Asst. Grant application in the amount of \$600,000. Ayes-Five. Motion carried.

Smock/Seible to approve the request from Bendable Equities to extend closing date by ninety days for lots #1 & #3 Eagles Landing. Seible asked why the closing date needed to be extended. The Mayor said that it is difficult getting commitments from businesses at this time, but they do plan on breaking ground this Spring. Nichols asked if we could contact Mc Donald's and ask them to maintain their lot to help with the appearance. Ayes-Five. Motion carried.

Public Discussion: Kelly Parker, 117 Marion, thanked the Council for adjusting the pay scales for the police department.

Mayor/Council Reports: Smock said that he was pleased to see that the Civil Service list has grown and believed that the City is making progress in hiring officers. Nichols said that there is still a sewer smell on Arbutus. Steve Hoambrecker, People Services, said that he will investigate other options to help with the smell. The Mayor said that another company was interested in a spot in Eagle's Landing and currently working on plans and contract. She had also been working with a developer who was interested in building condominiums in the Lafayette Road development. The Wastewater Treatment Plant Project is on schedule and the financial costs are on track. The Engineer hopes to start the bid process in January 2023 and start construction in March 2023. She would like to reach out to the City Attorney to discuss ongoing issues with billboards, zoning ordinances, and the mobile home ordinance.

There being no further discussion, Seible/Bergman to adjourn the meeting at 7:06 p.m. Motion carried.

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk

CITY HALL
EVANSDALE, IOWA, OCTOBER 25, 2022
CITY COUNCIL
DEANNE KOBLISKA, MAYOR, PRESIDING

The City Council of the City of Evansdale, Iowa met in special session, according to law, the rules of said Council and prior notice given each member thereof, in the Council Chambers of City Hall of Evansdale, Iowa at 6:00 p.m. on the above date.

Council members present in order of roll call: Bergman, Nichols, Seible, and Osborne. Smock joined the meeting at 6:15 p.m. Quorum present.

Seible/Bergman to approve the agenda for the October 25, 2022, meeting. Ayes-Four. Motion carried.

Planning: Council to discuss future planning for Evansdale. The Mayor opened the discussion saying that this meeting is to set the expectations for the budget process and to discuss adopting a Capital Improvement Plan. She suggested potential projects to add including sidewalk and street repairs, storm sewer replacements, bridge repairs, and expanding Eagles Landing. Nichols suggested looking at the Federal Register to see if grants are available. Seible asked for departments to submit current equipment inventory and get quotes on what equipment the department would need in the future. He also suggested getting a camera system for City Hall. Smock also pointed out that there is a need for knowing equipment availability and to consider staff availability to use the equipment. Tom Nichols, Park Board Chair, submitted a list of needs for city parks including trail updates, bathroom renovations, parking lot repairs, playground equipment upgrades, and vehicle replacements. In future budget meetings, all departments will present their budget individually in order to focus on each budget at a time.

There being no further discussion, Seible/Nichols to adjourn the meeting at 7:21 p.m. Ayes-Five. Motion carried.

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
RAVZ, LLC	Station Mart 2	(319) 575-2264		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
1119 River Forest Road		Evansdale	Black Hawk	50707
MAILING ADDRESS	CITY	STATE	ZIP	
1119 River Forest Road	Evansdale	Iowa	50707	

Contact Person

NAME	PHONE	EMAIL
Ravinder Kaur	(319) 575-2264	ravindermultani0@gmail.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
LE0003821	Class E Liquor License	12 Month	Submitted to Local Authority
EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS	
Dec 20, 2022	Dec 19, 2023		

SUB-PERMITS

Class E Liquor License, Class B Wine Permit, Class C Beer Permit



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Sunday Service

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Ravinder Kaur	Cedar Falls	Iowa	50613	Member	100.00	No

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

RESOLUTION 6652

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, THAT
THE FOLLOWING BILLS BE PAID AND THE TRANSFERS ARE HEREBY ALLOWED**

3E	PY-OUTLET ADAPTER	252.10
ALLEN MEMORIAL HOSPITAL	PD-PHYSICAL	148.00
BOUND TREE MEDICAL	PD-MEDICAL SUPPLIES	134.61
	FD-MEDICAL SUPPLIES	114.22
	FD-MEDICAL SUPPLIES	3.00
	FD-MEDICAL SUPPLIES	30.29
	TOTAL	282.12
CENTURY LINK	LIB-PHONE	64.71
	PY-PHONE	164.24
	RU-PHONE	71.71
	SR-INTERNET	83.99
	TOTAL	384.65
COVENANT MEDICAL	FD-MEDICAL SUPPLIES	126.31
DALTON PLUMB,HEAT,COOL	CH-ANNUAL MAINT. AGREEMENT	320.00
EMSLRC	FD-COURSE FEE	20.00
EVANSDALE WATER WORKS	PK-WATER	60.10
FERTILIZER DEALER SUPPLY	RU-FITTING FOR WA TANK	24.64
GRAINGER	RU-SHOP SUPPLIES	176.10
I.N.R.C.O.G.	PY-GRANT SRV-WTR TRAIL	250.00
IOWA DEPT OF TRANSPORTATION	RU-SNOW PLOW BLADES	995.42
IOWA ONE CALL	SEPTEMBER 22 IA ONE CALL	12.00
	SEPTEMBER 22 IA ONE CALL	12.00
	TOTAL	24.00
IOWA RURAL WATER ASSOC	SR-IRWA FY23 DUES	162.50
LAIDIG, DANA	PY-LAIDIG TRAVEL EXP	195.72
MEDIACOM	PD-INTERNET	158.45
	FD-INTERNET	158.45
	BI-INTERNET	47.08
	CH-INTERNET	138.45
	RU-INTERNET	136.90
	TOTAL	639.33
MENARDS	PK-CONCRETE FOR BENCHES	39.80
	RU-CENTRAL AVE PROJECT	271.88
	RU-SHOP SUPPLIES	21.56
	TOTAL	333.24
MUNICIPAL PIPE TOOL	SR-#2 PAYMENT LINING PROJECT	17,125.00
P & K MIDWEST	RU-MOWER FITTINGS	73.62
	RU-MOWER FITTINGS	87.83
	TOTAL	161.45
SPEER FINANCIAL	PY-FY23 TIF REPORT	400.00
	GRAND TOTAL	22,080.68
	001 GENERAL FUND	2,573.43
	002 CAPITAL IMPROVEMENT	252.10
	005 STREETS	271.88
	110 ROAD USE TAX	1,599.78
	610 SEWER FUND	17,383.49
	GRAND TOTAL	22,080.68
PREPAYS		
87915 ALLEN MEMORIAL HOSPITAL	LIB-PRE-EMPLOYMENT PHYSICAL	148.00
87916 BAKER & TAYLOR	LIB-BOOKS	545.16
87917 BLACK HAWK ELECTRICAL	LIB-ELECTRICAL REPAIR	80.00
87918 COMPUTER TROUBLESHOOTERS	LIB-MEMBERSHIP	9,153.25
87919 DEMCO	LIB-OFFICE SUPPLIES	270.38
87920 GORDON FLESCH	LIB-FAX REPAIRS	253.75
87921 RITE ENVIRONMENTAL	SEPT 2022 GARBAGE/RECYCLING	23,297.05
87922 STOREY KENWORTHY	SUPPLIES	376.16
DRAFT ADVANTAGE ADMINISTRATORS	HRA FEES/DEDUCTIBLE EXPENSE	337.28
87923 AFLAC	PAYROLL DEDUCTION	76.44
87924 CENTURY LINK	FD-PHONE	134.63
DRAFT IA DEPARTMENT OF HUMAN SRV	GEMT PROGRAM	277.63
DRAFT IPERS	RETIREMENT	6,568.81

87925 LYNCH DALLAS, P.C.	ATTORNEY FEES	475.00
87926 METLIFE	VISION/DNTL/LIFE INS	1,983.05
87927 MFPRSI	RETIREMENT	9,402.50
87928 PEOPLESERVICE	WWTP SERVICE AGRMNT	13,814.00
87929 POLICE ASSOC	PAYROLL DEDUCTION	60.00
DRAFT TREASURER-STATE OF IA	PAYROLL DEDUCTION	2,829.00
87930 WELLMARK	HEALTH INSURANCE	11,779.52
TOTAL PREPAYS		81,861.61

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA,
ON THIS 1ST DAY NOVEMBER 2022**

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk

RESOLUTION 6653

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, AUTHORIZING DESTRUCTION OF CITY RECORDS THAT ARE NO LONGER REQUIRED FOR RETENTION PURSUANT TO IOWA CODE 372.13(5).

WHEREAS, the Retention Record Manual published by the Iowa League of Cities and Iowa Code 372.13(5) dictates specifications for the destruction of certain records without duplication, and

WHEREAS, the City Clerk's office would like to schedule records to be destroyed after they have fulfilled normal, legal and administrative value, and

WHEREAS, the retention period of the items listed below has expired:

- Fiscal Year 2017 and older Bank Statements
- Fiscal Year 2017 and older Accounts Payables Registers
- Fiscal Year 2017 and older Accounts Receivable Registers
- Worn Police Department Uniforms 39-pants, 29-shirts, 8 coats, 1-duty belt, & 9-vests

NOW THEREFORE, BE IT RESOLVED, by the Evansdale City Council of the City of Evansdale, Iowa, hereby authorizing the destruction of records specified above.

PASSED AND APPROVED THIS 1ST DAY OF NOVEMBER 2022

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk

RESOLUTION 6654

RESOLUTION APPROVING APPLICATION FOR TAX ABATEMENT ON NEWLY CONSTRUCTED COMMERCIAL PROPERTY LOCATED AT 200 W. GILBERT DRIVE IN THE EVANSDALE REVITALIZATION AREA, IN THE CITY OF EVANSDALE, BLACK HAWK COUNTY, IOWA.

WHEREAS, Eric Schmiesing. submitted an application dated October 21, 2022 to the City Council of the City of Evansdale, Iowa, requesting an exemption of property tax for a period of three years on 100% of the actual value added by the new construction for property located at 200 W gilbert Drive, and more fully described as follows:

AUDITOR BARNES PLAT NO 12 THAT PART LOT 73 AND LOT 74 LYING WITH IN FOL DESC BOUND BEG AT NE COR LOT 72 TH S 464.1 FT TH N 74 DEG 24 MIN 30 SEC W 314.6 FT TH N 1 DEG 02 MIN 00 SEC W 180 FT TH N 50 DEG 27 MIN 30 SEC W 93.9 FT TH N 15 DEG 19 MIN 00 SEC W 72

be exempt for property taxation, and

WHEREAS, the length and amount of exemption benefit shall be in accordance with the Evansdale Revitalization Plan as officially adopted by the City Council of the City of Evansdale, Iowa, and

WHEREAS, said property is located within the Evansdale Revitalization Area in Evansdale, Iowa, as previously established by the City Council of the City of Evansdale, Iowa, and

WHEREAS, the new commercial construction project regarding said property is in conformance with the Evansdale Revitalization Plan as officially adopted by the City Council for the City of Evansdale, Iowa, and

WHEREAS, the new commercial construction on said property were made during the time in which such improvements are eligible for the tax exemption as set forth in the Evansdale Revitalization Plan as adopted by the City Council of the City of Evansdale, Iowa

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Evansdale, Iowa, that said application is hereby approved and the Mayor is hereby authorized and directed to forward said application and a copy of this resolution to the Black Hawk County Assessor.

PASSED AND APPROVED THIS 1ST DAY OF NOVEMBER 2022

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk

**APPLICATION FOR TAX ABATEMENT
UNDER THE URBAN REVITALIZATION PLAN
EVANSDALE URBAN REVITALIZATION AREA**

Residential Improvements (Single Family). The construction of new residential facilities and the rehabilitation of and construction of additions to existing residential facilities.

Exemption: All qualified real estate assessed as residential property, excluding property classified as residential property under Section 441.21, subsection 14, paragraph “a”, subparagraph (6) of the Code of Iowa, is eligible to receive an exemption from taxation on 100% of the first \$75,000 of actual valued added by the improvements for a period of five (5) years.

Residential Improvements (Multiresidential). The construction of new residential facilities and the rehabilitation of and construction of additions to existing residential facilities if such residential facilities contain three or more separate dwelling units.

Commercial/Industrial Improvements. The construction of new commercial or industrial facilities and the rehabilitation of and additions to existing commercial or industrial facilities.

Exemption: At the option of the property owner, all qualified real estate assessed as (i) residential property under Section 441.21, subsection 14, paragraph “a”, subparagraph (6) of the Code of Iowa; (ii) commercial property; or (iii) industrial property, is eligible to receive one of the following exemptions from taxation:

A. For a period of three years on 100% of the actual value added by the improvements;
or

B. A partial exemption from taxation for a period of ten years as follows’
For the first year, an exemption from taxation on 80% of the actual value added.
For the second year, an exemption from taxation on 70% of the actual value added.
For the third year, an exemption from taxation on 60% of the actual value added.
For the fourth year, an exemption from taxation on 50% of the actual value added.
For the fifth year, an exemption from taxation on 40% of the actual value added.
For the sixth year, an exemption from taxation on 40% of the actual value added.
For the seventh year, an exemption from taxation on 30% of the actual value added.
For the eighth year, an exemption from taxation on 30% of the actual value added.
For the ninth year, an exemption from taxation on 20% of the actual value added.
For the tenth year, an exemption from taxation on 20% of the actual value added.

Name of Applicant: Eric Schmiesing

Address of Property: 200 W. Gilbert Dr.

Legal Description of Property: _____

AUDITOR BARNES PLAT NO 12 THAT PART LOT 73 AND LOT 74 LYING WITH IN FOL DESC
BOUND BEG AT NE COR LOT 72 TH S 464.1 FT TH N 74 DEG 24 MIN 30 SEC W 314.6 FT TH N 1 DEG
02 MIN 00 SEC W 180 FT TH N 50 DEG 27 MIN 30 SEC W 93.9 FT TH N 15 DEG 19 MIN 00 SEC W 72

Address of Applicant (if different from above): 13112 S Hudson Rd. Hudson, IA 50643

Phone Number (to be reached during day): 319-231-5756


Proposed Property Use: Residential (Single Family)
 Multiresidential (Three or more dwelling units)
 Commercial Industrial

Nature of Improvements: New Construction Rehabilitation/Additions

Additional Information: _____

Estimated or Actual Date of Completion: July 1, 2021

Date 10-21-2022



Signature of Applicant

CITY COUNCIL ACTION:

Application: Approved Disapproved

(Reason if disapproved) _____

City Clerk _____

Date _____

ASSESSOR ACTION:

Application: Approved Disapproved

Present Assessed Value \$ _____

Assessed Value w/Improvements \$ _____

Assessor _____

Date _____

BUILDING PERMIT



PERMIT NO. 21-68

City of EVANSDALE
123 N Evans Road
EVANSDALE ,IA 50707
319-232-6683

Date: 04/26/2021 Expires: 04/27/2021
Issued To: ERIC SCHMIESING
Location: 200 W GILBERT
Lot No.: Block No.: Addition:

Type of Construction: STORAGE UNITS

Level:

Contractor ADVANCED STORAGE

Value: \$314,000.00 TO \$315,000.00 Permit Fee: \$2,499.00

Permit Issued By: BRIAN WIRTZ

Inspected By: Date Inspected: / / Passed: 0 Failed: 0

PERMIT FOR PLUMBING



Permit No.: 21-132

City of EVANSDALE
123 N Evans Road
EVANSDALE ,IA 50707
319-232-6683

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Date Issued: 07/01/2021 Expires: 07/02/2021
Owner: ERIC SCHMIESING
Location: 200 W GILBERT
Contractor: RODNEY FRICKSON

Item	No.	Cost	Total	Item	No.	Cost	Total
SEWER	1	\$22.00	\$22.00	lift pump	1	\$8.75	\$8.75

Comments

Permit Issue Fee: \$22.00

Total Fee's: \$52.75

Permit Issued By: BRIAN WIRTZ

Inspected By:

Date Inspected: / /

Passed:

Failed:

PERMIT FOR PLUMBING



Permit No.: 21-87

City of EVANSDALE
123 N Evans Road
EVANSDALE ,IA 50707
319-232-6683

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Date Issued: 05/20/2021 Expires: 05/21/2021
Owner: ERIC SCHMIESING
Location: 198 W GILBERT
Contractor: G & G PLUMBING LLC

Item	No.	Cost	Total	Item	No.	Cost	Total
Lavatories	10	\$8.75	\$87.50				
FLOOR DRAIN	10	\$8.75	\$87.50				
WATERHEATER	9	\$8.75	\$78.75				
Water Closets	10	\$8.75	\$87.50				

Comments

Permit Issue Fee: \$22.00

Total Fee's: \$363.25

Permit Issued By: MEGAN WELLS

Inspected By:

Date Inspected: / /

Passed:

Failed:



OCCUPANCY CERTIFICATE
CITY OF EVANSDALE

THIS IS TO CERTIFY THAT THE STRUCTURE LOCATED AT

200 W GILBERT

WAS COMPLETED ON 07/01/2021

**HAS PASSED ALL REQUIRED INSPECTIONS,
AND IS CLEARED FOR OCCUPANCY**

CITY OF EVANSDALE
Inspected By: BRIAN WIRTZ

RESOLUTION 6655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVANSDALE, IOWA, AUTHORIZING PAYMENT #2 TO MUNICIPAL PIPE TOOL CO., INC. IN THE AMOUNT OF \$17,125 FOR THE MINER DRIVE AND SAUNDERS AVENUE WASTE WATER LINING PROJECT

WHEREAS, the City entered into a contract with Municipal Pipe Tool Co., Inc. for the Miner Drive and Saunders Avenue Waste Water Lining Project; and

WHEREAS, Chris Schares, Public Works Director has reviewed the construction progress through October 26, 2022 and recommends payment to Municipal Pipe Tool Co.

Request attached

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Evansdale, Iowa, that pay application #1 in the amount of \$17,125 hereby authorized to be issued for the Miner Drive and Saunders Avenue Waste Water Lining Project.

PASSED AND ADOPTED THIS 1ST DAY OF NOVEMBER 2022

ATTEST:

DeAnne Kobliska, Mayor

Dana Laidig, City Clerk

**MUNICIPAL PIPE TOOL COMPANY LLC
CONTRACTOR'S PAYMENT REQUEST**

Estimate No. 2-FINAL	Period:	From: <u>6/22/2022</u>	<u>97%</u>
MPT Job ID# 2022-13		To: <u>10/26/2022</u>	% Complete Total contract
Project: City of Evansdale		Date: <u>10/27/2022</u>	
			<u>97%</u>
Owner: City of Evansdale	Contractor:	Municipal Pipe Tool Co., LLC	% Complete Original Contract
2022 Lining Program		515 5th Street - PO Box 398	
123 N Evans Rd		Hudson, IA 50643	
Evansdale, IA 50707			

BASE BID ITEMS	Anticipated :			COMPLETED:		
	QTY	PRICE	EXT PRICE	QTY	UNIT COST	VALUES
1 MOBILIZATION	1	\$3,750.00	\$3,750.00	1	\$3,750.00	\$3,750.00
2 SEWER CLEANING PRE WORK	2,621	\$1.75	\$4,586.75	2,626.7	\$1.75	\$4,596.73
3 TELEVISIONING PRE WORK	2,622	\$1.00	\$2,622.00	2,626.7	\$1.00	\$2,626.70
4 CUT PROTRUDING TAP	-	\$150.00	\$0.00		\$150.00	\$0.00
5 CIPP 8" X 6MM FINISHED	2,622	\$23.50	\$61,617.00	2,626.7	\$23.50	\$61,727.45
6 ACTIVE SERVICE CONNECTION REINSTATEMENT	43	\$75.00	\$3,225.00	43	\$75.00	\$3,225.00
7 TEST JOINTS FOR GROUTING	9	\$45.00	\$405.00	9	\$45.00	\$405.00
8 SEAL JOINTS FOR GROUTING	9	\$15.00	\$135.00	9	\$15.00	\$135.00
9 SERVICE LATERAL AIR TEST	43	\$350.00	\$15,050.00	43	\$350.00	\$15,050.00
10 SERVICE LATERAL GROUT	43	\$20.00	\$860.00	43	\$20.00	\$860.00
11 SERVICE LATERAL ROOT CUT/REAM	10	\$300.00	\$3,000.00		\$300.00	\$0.00
12 CHEMICAL GROUT	200	\$13.50	\$2,700.00	134	\$13.50	\$1,809.00
13 REPAIR FRACTURE BETWEEN 251-252	1	\$3,950.00	\$3,950.00	1	\$3,950.00	\$3,950.00
PRELINER	1,441	\$5.00	\$7,205.00	1,441	\$5.00	\$7,205.00
			-		-	\$ -
			-		-	\$ -

ORIGINAL CONTRACT:	\$ 108,485.75	Total Anticipated	\$ 109,105.75	Total Completed	\$ 105,339.88
CO #1	\$ 620.00	Less Retained	0% \$ -	Less Retained	\$ -
		Total Anticipated less retain	\$ 109,105.75	Net Amount Earned	\$ 105,339.88
				Previous Pay Requests	
				1 6/22/22	\$ 88,214.88
CURRENT CONTRACT AMOUNT	\$ 109,105.75				

Accepted by: Sharon Waschkat
Municipal Pipe Tool Co., LLC

Accepted by: _____
City

Total previous pay requests	\$ 88,214.88
Amount due this payment	\$ 17,125.00
Contract Amount	\$ 109,105.75
Balance to complete	\$ 3,765.88

**CITY OF EVANSDALE, IOWA
BOARDS & COMMISSIONS APPLICATION**

Date: 10/14/2022

I, Emilia Marie Sanchez, request to be appointed to (state preference):
(Name)

1. Library Board 2. _____

Home Phone: N/A Cell Phone: 319-4274442 Work Phone: N/A

Email Address emilia.sanchez523@gmail.com

Home Address 933 McCoy Rd, Evansdale, IA Zip Code 50707

Employer U.S. Bank Title Document Review Clerk

Employer Address 235 Fisher Dr. Waterloo, IA Zip Code 50702

How long have you resided in Evansdale? 4 years

List current membership in organizations and offices held: N/A

I am available for meetings: A.M. P.M. Noon Evenings

I am available to serve on a Board/Commission the entire year: Yes No If no, list months not able to serve: _____

Briefly explain your qualifications for appointment to a designated Board/Commission: _____

Experience with teamwork, budgeting, and office relations.

Additional information and comments that may not be evident from information already on this form:

I have loved living in the wonderful community of Evansdale for almost 4 years now.

This town definetley lives up to it's name of The City of Good Neighbors. It would be an honor to be apart of the community.

References (include phone numbers): Jeff O'Brien (319-215-6529)

Kendal Marshall (641-660-8922)

Steve Seible (319-504-7287)

I understand this application does not bind me to accept an appointment should it be offered, nor does it guarantee an appointment to a Board/Commission. If selected, I will be available to attend appropriate training sessions. This application will remain valid and on file for one calendar year from above date.

Signature Emilia Marie Sanchez

RETURN TO MAYOR'S OFFICE, 123 N EVANS RD., EVANSDALE, IA 50707; FAX 291-4286; or EMAIL: mayor@cityofevansdale.org; PHONE: 232-6683



3549 N Vermilion St
 Danville, IL 61832
 www.oherron.com
 rayoherron@oherron.com
 1-800-223-2097

Quote

Quote # 3132220
 Customer No: 00-50707PD
 Date: 10/14/2022

BILL TO:

EVANSDALE IA POLICE DEPT.
 911 S. EVANS ROAD
 EVANSDALE, IA 50707

SHIP TO:

EVANSDALE IA POLICE DEPT.
 911 S. EVANS ROAD
 ATTN: SGT. BEN NEUMAN
 EVANSDALE, IA 50707

BADGE NO:	PAYMENT TERMS: NET 30 DAYS	ORDERED BY: SGT. BEN NEUMAN	ORDER COMMENT:
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ITEM NO	DESCRIPTION	QUANTITY	PRICE	EXT PRICE
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	RCS			
HL6B25BV0M	BII-5,1 HL,1 STP,MALE MALE, BII WITH 1 MIDNIGHT NAVY CARRIER, NO TAILS AND 4 INCH SIDE STRAPS, FOR J. ENGEL, FRONT 54 L2, BACK 54 L2	1.00	565.00	565.00
GDCM00BV0J	Guardian Gen-3, Uniform Pocket MALE, MIDNIGHT NAVY CARRIER BUILT TO FIT ABOVE PANELS, PLEASE SEE BUILD SHEET	1.00	220.00	220.00
HL6B25BV0M	BII-5,1 HL,1 STP,MALE MALE, BII WITH 1 MIDNIGHT NAVY CARRIER, NO TAILS AND 4 INCH SIDE STRAPS, FOR D. EPLEY, FRONT 48R, BACK 48R	1.00	565.00	565.00
GDCM00BV0J	Guardian Gen-3, Uniform Pocket MALE, MIDNIGHT NAVY CARRIER BUILT TO FIT ABOVE PANELS, PLEASE SEE BUILD SHEET	1.00	220.00	220.00

*****ADD ACTUAL FREIGHT CHARGES*****

Paint Blank -

Sales Tax: 94.20

Quote Total: 1,664.20

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 which 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, which, 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, which 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. **(See also Chapter 52.)**

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.
13. **Defective or Unsightly Property.** Real property maintained in such condition as it becomes so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of the surrounding properties or is materially detrimental to properties and improvements.
14. **Hazardous Conditions.** Any area located outside of any building or structure on private property, whose sidewalks, walkways, stairs, driveways, parking lots, parking spaces, or similar areas are not kept in a proper state of repair, or are not maintained free from hazardous conditions. Hazardous conditions include, but are not limited to, poor lighting in parking lots, missing or severely cracked pavement, pot holes, and unnecessary obstacles.
15. **Excavations.** Creating, maintaining, causing, or allowing to exist for a continuous period of more than 30 days or without a valid permit any manmade excavation, hole, or other depression in the ground in or on any lot or parcel of land in the City of a depth of more than three feet below the surrounding grade, other than as part of the active construction of a building or other structure on the lot which will ultimately close in and completely cover such excavation, hole, or depression.
16. **Barricades** around Excavations. Creating, maintaining, causing, or allowing to exist a manmade excavation that is not protected with adequate barricades, fencing, and warning lights meeting standards specified by the City from the time the excavation work is started until it is completed to the satisfaction of the City inspector.
17. **Structural Defects.** Any structures, whether commercial or residential, including detached accessory structures on any commercial, residential, agricultural, or industrial property, which is not free of significant structural defects. The phrase “free of significant structural defects” means:
 - A. The roof and roofing material are of such a nature and condition that they do not permit water, snow, or ice to penetrate into the structure. Roofing materials shall be in good condition and made up of consistent materials and consistent coloration throughout the roof area.
 - B. Drainage gutters and downspouts are securely attached to the structure and in proper functioning order.
 - C. All exterior exposed surfaces, including siding materials, must be sound, in good condition, and securely attached to the structure.

D. Exterior walls must be free of holes and made of a consistent material, such that patches or repairs consisting of dissimilar materials or colors compared to the prevailing surface material of the exterior walls are not present.

E. The foundation of the structure is sound, capable of supporting the structure and not deteriorated to the point that failure is judged to be inevitable, but not necessarily imminent. The foundation shall be plumb and free from cracks, breaks, and holes so as to prevent the entry of animals.

F. Windows and doors, including outer screen or storm windows and doors, must be intact, containing no holes, squarely hung with properly operating latches or locks so as to be securely closed, and where the windows have intact glass or normal window material that allows the entry of light with no holes in said window surface areas.

G. All points of egress/ingress into and out of the structure must be of a secure and safe design and made of standard building materials and must also provide clear and easy access via properly installed steps, porches, entryway landings, and hand rails that are intact, with no protruding or loose boards or surface materials causing a hazard, and which provide ready access to all points of entry into the structure.

H. Exterior wall surfaces are properly painted and/or maintained with appropriate exterior wall materials, including wood, vinyl, steel, or metal siding materials, stucco or exterior insulation finish system materials, brick or similar masonry materials that are in all cases intact, not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar materials; plastic wrap material shall not be considered to be an acceptable siding material. No flaking or chipped paint or outer loose material dominates or detracts from the exterior appearance of the structure.

I. All fencing, including gates, shall be maintained in good condition, free from damage, breaks, holes, or missing structural members. All fencing shall be of consistent materials and coloration.

J. Detached accessory structures, including garages and storage sheds, must conform to the standards outlined above. In addition, all doors and windows must be of functional design and materials and in proper working order. No plastic wrap material or tarps shall be used to substitute for doorways or windows.

K. All exterior wires which are hanging or unsecured on the exterior of the structure must be fastened to the structure in order to avoid life safety issues.

L. Materials and practices used in the reconstruction or repair of any building structure, whether of roofing materials, siding materials, foundation, walls, windows, doorways, entryways, or detached accessory structures shall be of standard quality and appearance, consistent with currently applicable *International Building Code* requirements and consistent with the appearance and character of the structure under repair and consistent with other properties in the immediate vicinity of the premises.

M. All vacant structures shall comply with the above-cited maintenance provisions with the exception that windows and doors may be secured with boards or other materials intended to provide security and protection to the

structure. All vandalized portions of the structure must be promptly repaired, including repainting areas that are defaced with paint or graffiti.

18. Portable Shelters. Any freestanding or attached portable shelter on residential property consisting of a fabric covering stretched over poles.

19. Other Hazardous Conditions. Any hazardous thing or condition on property which may contribute to injury of any person present on the property, including but not limited to open holes, open foundations, open wells, or dangerous trees or limbs.

20. Tents and Recreational Vehicles. Residing in, or living in, or using for night-time living accommodation purposes, such as sleeping activities, a tent, camper, motor home, travel trailer, recreational vehicle, or any other vehicle on any private property in the City for a period of more than seven days.

21. Lawn Mowers and Other Equipment. Storage of lawn mowers and snow blowers outdoors is deemed to be a nuisance subject to the following exceptions:

A. A maximum of two lawn mowers on property zoned for residential use shall not be deemed a nuisance.

B. A maximum of two snow blowers on property zoned for residential use shall not be deemed a nuisance.

22. Storage of Vehicles. Storage of vehicles (as defined in Chapter 51) outdoors, including trailers, wagons, and other nonmotorized vehicles is deemed to be a nuisance subject to the following exceptions:

A. Vehicles on property zoned for residential use that are: (i) parked on a hard surface of asphalt, concrete, or at least three inches of gravel; and (ii) moved or used as an operating vehicle at least every 15 days shall not be deemed a nuisance.

B. Vehicles on property zoned for commercial use that are: (i) parked on a hard surface of asphalt, concrete, or at least three inches of gravel; and (ii) moved or used as an operating vehicle at least every 60 days shall not be deemed a nuisance.

C. Vehicles kept in commercial automobile salvage yards lawfully operated within the City shall not be deemed a nuisance.

D. One motorized boat on its trailer, which is currently licensed for operation on the public highways, parked on a hard surface of asphalt, concrete, or at least three inches of gravel shall not be deemed a nuisance.

E. One motor home, pickup truck with camper top or similar recreational vehicle or fifth-wheel per residential property, which is currently licensed for operation on the public highways, parked on a hard surface of asphalt, concrete, or at least three inches of gravel shall not be deemed a nuisance.

F. Up to two utility trailers parked on a hard surface of asphalt, concrete, or at least three inches of gravel shall not be deemed a nuisance. "Utility trailer" means a vehicle, without motive power, designed and used to carry motor vehicles, goods, or materials. The utility trailer may not exceed eight feet in width nor 3,500 pounds in weight, and it must be licensed and registered for highway use.

G. A vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this City, is out of the City for more than 15 days but not more than 180 days shall not be deemed a nuisance.

H. Whenever a vehicle is required by this chapter to be parked on asphalt, concrete, or gravel, such asphalt, concrete, or gravel shall not contain shrubbery, weeds, or grass.

I. A wagon or other nonmotorized vehicle that is displayed as a decorative, tasteful lawn ornament shall not be deemed a nuisance.

(Code of Iowa, Sec. 657.2)

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. Public Peace (**See Chapter 40.**)
2. Junk and Junk Vehicles (**See Chapter 51.**)
3. Weeds (**See Chapter 52.**)
4. Construction and Maintenance of Building Sewers (**See Chapter 96.**)
5. Storage and Disposal of Solid Waste (**See Chapter 105.**)
6. Trees (**See Chapter 151.**)

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: †
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.

† **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.

- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A statement that the property owner has 14 days 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 shall be sent by certified mail to the property owner.
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 which 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 subsection 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.

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 4 of this Code of Ordinances.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Nuisance

51.03 Exceptions

51.04 Notice to Abate

51.05 Repeat Offenders

51.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Abandoned vehicle” means:
 - A. A vehicle which has been left unattended on public property for more than 48 hours and lacks current registration plates or two or more wheels, or other parts which render the vehicle inoperable; or
 - B. A vehicle that has remained illegally on public property for more than 72 hours; or
 - C. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in the control of the property for more than 24 hours; or
 - D. A vehicle that has been legally impounded by order of the department and has not been reclaimed for a period of 10 days; or
 - E. Any vehicle parked on the highway determined by the department to create a hazard to other vehicle traffic.
2. “Enclosed structure” means any permanent structure built for the enclosure of property, which contains a roof and at least four exterior walls constructed in such a manner as to obscure from a person’s view from any street or adjacent property the contents within the structure. A vehicle is not an enclosed structure.
3. “Junk” means the following items stored in outdoor areas or in partially enclosed sheds, lean-tos, or other structures that do not meet the definition of enclosed structure: building materials not part of an active building project authorized by a current City building permit; abandoned, inoperable, or junk vehicles; non-registered or unlicensed vehicles; auto parts; miscellaneous steel, plastic, rubber or metal parts; junk tires; packing boxes; wood pallets; tree limbs; brush piles; discarded lumber, not including neatly stacked firewood located on a side yard or a rear yard; broken or unused furniture and appliances; any upholstered or finished furniture intended for indoor usage such as couches, beds, mattresses, desks, chairs, shelving, or wooden tables; broken or unused household furnishings or equipment including carpeting, appliances and other typical household items intended for indoor usage; plastic tarps; trash bags containing leaves, debris, garbage or other items; trash and garbage not properly contained within a trash disposal container; bicycles deemed by the City to be not roadworthy that are not being used as a tasteful lawn decoration; or any other discarded or miscellaneous item or items not normally required in the day-to-day use of the exterior area of the property, when stored continuously in excess of 48 hours on any portion of any property outside of a totally enclosed structure located on the property.

4. “Junk vehicle” means any vehicle, trailer, or semitrailer stored 48 hours within the City limits, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to public health, welfare, and/or safety:

A. Any vehicle, trailer, or semitrailer which has a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator, or other component part of an electrical system, or any component or structural part, rendering said vehicle inoperable; or

B. Any vehicle, trailer, or semitrailer which has become the habitat of rats, mice, snakes, or any other vermin or insects; or

C. Any vehicle, trailer, or semitrailer which contains stored gasoline or other flammable fuel, paper, cardboard, wood, or other combustible materials, garbage, refuse, solid waste, debris, etc.; or

D. Any vehicle, trailer, or semitrailer used for storage purposes or harborage, cage, or dwelling for animals of any kinds; or

E. Any other vehicle, trailer, or semitrailer which because of its defective or obsolete condition in any other way constitutes a threat to the public health or safety of the citizens of the City; or

F. Any vehicle which is uninsured or in violation of the laws of the State of Iowa, or which for any reason is uninsurable.

5. “Nuisance” means whatever is injurious to health, indecent, or offensive to the senses, or obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property.

6. “Inoperable” means not capable of being moved under its own power.

7. “Stored” means not capable of being used or operated.

8. “Unlicensed vehicle” means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license.

9. “Vehicle” means every implement, upon or by which a person or property may be transported on land, water, or air, and shall include, without limitation, a motor vehicle, automobile, truck, trailer, motor home, wagon, fifth wheel trailer, camper, motorcycle, etc.

51.02 NUISANCE. Except as hereinafter provided, it is hereby declared that any junk, junk vehicle, inoperable vehicle, or abandoned vehicle located upon private property, unless excepted by Section 51.03, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. If any junk, junk vehicle, inoperable vehicle, or abandoned vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.03 EXCEPTIONS. The provisions of this chapter do not apply to:

1. Structure. Any junk, junk vehicle, inoperable vehicle, or abandoned vehicle stored within a garage or other enclosed structure; or
2. Salvage Yard. Any junk, junk vehicle, inoperable vehicle, or abandoned vehicle stored within an auto salvage yard or junkyard lawfully operated within the City; or
3. Business Enterprise. A junk vehicle, inoperable vehicle, or abandoned vehicle on the premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City; or
4. Hobbyist Permit. Any junk vehicle, inoperable vehicle, or abandoned vehicle covered under a hobbyist permit obtained from the Evansdale Police Department.

51.04 NOTICE TO ABATE. Upon discovery of any junk, junk vehicle, inoperable vehicle, or abandoned vehicle located upon private property in violation of Section 51.02, the City shall be authorized to initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

51.06 REPEAT OFFENDERS. Persons who have received a notice to abate within the last 24 months under the provisions of this chapter and who, notwithstanding said previous notice, cause or allow a violation of this chapter to reoccur on their property shall not be entitled to another notice to abate, and may be issued a civil citation in accordance with Chapter 4 of this Code of Ordinances. This section does not preclude the City from seeking other or additional remedies in accordance with Chapter 4 or the *Code of Iowa*.