



Building Trades Board Meeting Agenda

Monday, October 14, 2024 - 3:00 PM

Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

- I. Roll Call
- II. Review of Minutes of Previous Meeting: 2-22-2024
- III. Public Hearing: 909 West 6th Street South, Appeal to Issued Notice and Order. Thorson, Appellant and Property Owner
- IV. Board Action on Letter of Appeal 909 West 6th Street South
- V. Adjourn

Chair: Rebecca Decker; **Vice Chair:** Antonia Sicilia; **Members:** Carroll Depenning, Jack Topp, Bill Yeager

Minutes of Meeting
Newton Building Trades Board
City Hall Council Chamber
101 West 4th Street South
Newton, IA 50208

February 22, 2024

Roll Call.

The meeting was called to order by Chair Decker. At 5:00 PM

COMMISSIONERS PRESENT:	Yeager, Topp, DePenning, Decker, Sicilia
COMMISSIONERS NOT PRESENT:	None.
CITIZENS PRESENT:	Mark Hallam, City Council Evelyn George, Mayor
STAFF AND ELECTED OFFICIALS PRESENT:	Erin Chambers, Community Development Director Melvin Duncan, Building Official Brian Dunkelberger, Senior City Planner

Review of Minutes from Previous Meeting. Previous meeting minutes, February 10, 2023, were reviewed and approved unanimously. **Motion** by DePenning, **second** by Yeager, Voice Vote: 5-0, Approved.

Vacant Building Ordinance Amendments. Community Development Director Chambers began the presentation by explaining recent issue with out of town ownership of a vacant building at 115 North 2nd Avenue East (former Jasper County Annex Building). Recently, the building became flooded after the sprinkler system was not winterized. Extreme cold temperatures caused the water lines to freeze and break. Matters like these have significant impacts to historic buildings, adjacent buildings, and economic development.

Senior City Planner Dunkelberger reviewed the components of the revised ordinance and prepared staff report.

Discussion regarding when constitutes abandoned. Topp suggested adding an exemption related to projects that are seeking tax credits or have an economic development agreement in place as sometimes those types of buildings can be empty for a period of time while working through those processes. Consensus among other board members.

Sicilia suggested language that would place limitations on what constitutes new ownership to prevent abuse. Sicilia noted examples of transferring to a spouse, transferring to another company that the current owner has a certain percentage ownership in.

Building Official Duncan stated he would like a guideline produced to help owners with understanding appropriate moth-balling measures to prevent water line breaks and the like.

Yeager asked if through this process, if a future building use will be required to be shared with the City. Dunkelberger and Chambers reviewed zoning and building processes through which use would be revealed.

Motion by Yeager, **Seconded** by DePenning to recommend approval of the amended vacant building ordinance with the inclusion of language to address economic development or tax credit processes exemptions and limitations on ownership transfers. Voice Vote: 5-0, Approved.

Selection of Officers. Decker indicated a willingness to continue serving as Chair. Sicilia volunteered to serve as vice chair.

Motion by Topp, **seconded** by Yeager to select Decker as Chair and Sicilia as Vice Chair, Voice Vote: 5-0, Approved.

Adjournment. Motion by Topp, **seconded** by DePenning to adjourn the meeting. Voice Vote: Approved 5-0.

Meeting Adjourned at 5:20 pm.

09/26/2024

City of Newton Iowa
Community Development Department
Building Division
Board of Appeals

This letter is regarding the ongoing problems with the Newton Waterworks Department at my residential property located at 909 W 6th Street S, Newton Iowa.

I have had numerous communications with the Newton Waterworks Department, and I have had no response or actions taken to resolve this matter.

I would like to appeal the letter written on September 18, 2024. I appreciate your help in getting this resolved.

A handwritten signature in black ink that reads "Curtis Thorson". The signature is written in a cursive style with a long horizontal line extending to the left of the name.

Curtis Thorson
909 W 6th Street S
Newton, Iowa 50208
Ph 641-521-2532

Erin Chambers

From: Hailey Trease <HaileyT@newtongov.org>
Sent: Monday, September 16, 2024 11:18 AM
To: Erin Chambers; Mike Flahive
Cc: CSO
Subject: [EXTERNAL] 909 W 6th ST S

Erin,

While looking into another property, it was brought to my attention that Curtis Thorson residing at the property above has not had water for over one year now. We have had quite a bit of Nuisance issues at this address as well over the past year.

Thanks,

CSO Hailey Trease

Newton Police Department
101 West 4th St. South
Newton, IA 50208
Office: 641-791-0850 Ext. 2104
haileyt@newtongov.org | www.newtongov.org



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CITY OF NEWTON
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION

N O T I C E A N D O R D E R

TO: Curtis Thorson
909 W 6th St S
Newton, Iowa 50208

Via Certified Mail

SUBJECT: No connection to city water and sewer service at 909 W 6th St S, Newton, IA.

LEGALLY DESCRIBED As: CARRIER'S MEADOWS LOTS 5-6 BLK 3

The purpose of this letter is to make you aware of violations of City Code (City Adopted IRC Plumbing Code Section P2602.1) that exist at the property listed above.

YOU ARE HEREBY NOTIFIED THAT:

- (1) The Building Official of the City of Newton, Iowa, has found the above described property to be in violation of the City Adopted IRC Plumbing Code, Section P2602.1 of the 2015 IRC, which requires city residents to be connected to city water and sewer service for safe sanitation and to protect public health.

2015 IRC Code Section P2601.1 – The water distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply and sewer system, if available.

YOU ARE HEREBY ORDERED TO TAKE THE FOLLOWING ACTION:

Based on the findings set forth in Section 1 of this Notice and Order, and you are hereby ordered to contact the City of Newton Waterworks department and connect to city water/sewer services by **October 18, 2024**.

Any permits necessary for this structure(s) shall be obtained from the Newton Community Development Department, 403 W. 4th St. N. Newton, Iowa 50208.

IF YOU FAIL TO TAKE THE ACTION AS ORDERED WITHIN THE TIME SPECIFIED

- (1) The City of Newton may file a municipal infraction, which may be punishable by the following penalties: (i) first offense not to exceed \$750. (ii) each repeat offense not to exceed \$1000. Court Costs and attorneys' fees may be awarded against you.
- (2) Recommend condemnation due to unsafe and unsanitary living conditions.

YOUR RIGHTS AND REMEDIES:

As record titleholder or individual/entity having a legal interest in the property, you may appeal this Notice and Order to the Board of Appeals in writing **within 10 days** of service of this Notice and Order. Appeals shall be filed at the Newton Community Development Department, 403 W. 4th St. N., Newton, IA 50208.

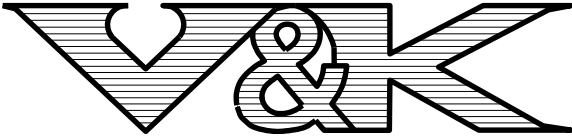
Failure to appeal within **10 days** from the date of service of this Notice and Order will constitute a waiver of all rights to an administrative hearing and determination of the matter.

Dated this 18th day of September, 2024.

Mike Flahive

Mike Flahive, City of Newton, Building Inspector Representative
403 W. 4th St. N., Newton, IA 50208 – 641-792-6622

Officially served by registered mail.



10/3/24

RE: No Active Water/Sewer Service

Curtis Thorson
909 W 6th St S
Newton, IA. 50208

City of Newton,

The property located at 909 W 6th St S, owned by Curtis Thorson, has not had active water/sewer service for over a year. This is a violation of the City of Newton adopted International Residential Code, Section P2602.1 of the 2015 IRC and City Ordinance Code Section 52.003.

A notice and order was issued to Mr. Thorson on September 18, 2024 that required him to connect to city water/sewer service within 30 days of that notice. Mr. Thorson has not yet connected to city water/sewer service and is appealing the notice and order.

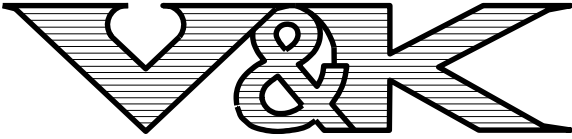
Below are the code sections.

City Adopted 2015 International Residential Code, Section P2601.1

The water distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply system, if available.

City Ordinance Section 52.003 – Connection To Public Sewer Required

(A) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the following provisions of this chapter; provided that, said public sewer is within 400 feet of the property line.



(B) Connection to the public sewer will be a required condition for issuance of a building permit for new construction or reconstruction that materially alters the building footprint.

(C) Private sewer disposal systems will be required to connect to the public sewer system when one of the following conditions are met:

(1) Property ownership transfers; and

(2) Major repairs to the private system are required to meet County Department of Health regulations. Major repairs are defined as repair and/or replacement of the lateral absorption system or the septic tank.

Respectfully,

A handwritten signature in black ink that reads "Mike Flahive".

Mike Flahive, Building Inspector