

**MINUTES OF THE INFORMAL MEETING OF THE JOHNSON COUNTY
BOARD OF SUPERVISORS:
JANUARY 11, 2011**

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Chairperson Harney called the Johnson County Board of Supervisors to order in the Johnson County Health and Human Services Building at 1:30 p.m. Members present were: Pat Harney, Terrence Neuzil, Janelle Rettig, Sally Stutsman, and Rod Sullivan.

PROPERTY MAINTENANCE CODE

Harney said the Board is going to have a discussion today to determine whether the Board is still interested in proceeding with a property maintenance code ordinance, what they want to do, and if they even want to continue with the ordinance as is or change it. He said there will be a time towards the end of the meeting for discussion from the public.

Neuzil said he does not think any of the Board members would have called for this meeting if they did not have some interest in continuing to address some substandard conditions throughout Johnson County. The Board started this discussion in part because the County has some significantly blighted rural mobile home courts. The question will be how the Board will get things started. Originally the Board identified a problem and the staff and legal counsel took that issue, broadened it, and presented it. There were a lot of people communicating with the Board who said not to take such a big step. Neuzil thinks the Board should take a smaller step.

Neuzil said there are some areas on which the Board members can find common ground. Staff and legal counsel will have better direction if there are at least three Board members who agree on whether to continue to move forward, to address the problems on a complaint basis only, and on the issue of farm property. Neuzil said Board members can discuss each item on this list, like they did with the Jail issue. If there is not interest amongst three of the Supervisors, the Board should not waste any more time on an item.

Stutsman said she wants to continue to look at the property maintenance code ordinance. She is not interested in going ahead with what has been proposed so far. She is interested in addressing rental properties and that is about it. She thinks there is still plenty of room for discussion, compromise, and education about what the Board is trying to do.

Sullivan said he still wants to continue moving forward. He is open to different suggestions. For example, Planning and Zoning Administrator Rick Dvorak, Assistant County Attorney Susan Nehring, and Senior Building Inspector Ruben Arsate had given the Board seven or eight proposed changes at the December 9, 2010, public hearing, and all of those were good changes he would like to continue to discuss. It was clear from the public hearing that people felt the earlier draft was unclear. One concern many people expressed was when and why an inspector can enter their property. The proposed Public Health ordinances have a lot more detail on that subject. Sullivan said the Board should be looking at those drafts. He thinks it would be a big mistake to do nothing, because the County has some problems to address.

Rettig said she agrees with virtually everything that has been said. It is clear the County has some blighted areas that have become dangerous to residents and neighbors. There are also abandoned homes throughout the County which pose their own health and life safety risks. Even though there are some tools Public Health can use in the short term, it often does not allow them to restore the property to a safe condition. Public Health, Planning and Zoning, and the County Attorney's Office have identified the areas they think the County does not have the current tools to enforce any life safety or health codes, and, a possible way to go about that. Immediately after publishing the draft, staff realized that some of the language did not clearly represent the Board's intent. Staff immediately made a number of changes, which the Board did not even talk about at the December 9, 2010, public hearing. The staff is going to need some direction if the Board is going to write something else or give it another try.

Harney said he would like to move forward on it. There are issues with the Regency Mobile Home Park, where homes are not maintained and property owners are renting them out. Health and safety is the big issue. The code should address rental properties and how that would fit in. He thinks farms, farm operations, and the out buildings should be exempt.

Harney said there are a lot of concerns. He has received many emails and phone calls about what he considers an attractive nuisance, such as an old barn or shed that is falling down. If children and others enter these particular areas, that may be unsafe. At the same time, those people are probably trespassing. Harney said that as a kid, he did the same thing himself because when the properties are out there they attract people.

Harney said he is more interested in managing the issues the County has with rental properties, whether that be a trailer or a farm home that is being rented out to someone and not being kept up to standards. Wildlife is getting in and it is not safe for the tenants. The Board needs to move forward very cautiously. He wants to protect the property

owners' rights and let them manage the property as they think they should. It would be negligent if the Board did not address some of the issues the County has. There are some ordinances in place the Board could talk about. He said the Board received an email from an individual talking about Chapter 657A as being sufficient in addressing such issues. Harney does not believe that totally addresses those issues.

Assistant County Attorney Susan Nehring

Nehring said one of the issues of trying to apply Chapter 657A is that it requires the property to meet the definition of abandoned. The property has to remain vacant and be in violation of a housing code, which was part of the justification for proceeding with this.

Nehring said since the County does not have a housing code that people would be in violation of, that keeps the County in a position where they are not able to put this section into action without standards for a building to violate. That does not mean it has to be as extensive as the property maintenance code. Even though this Chapter says "housing code," the property maintenance code would fall in the scope of that. She does not think the Attorney's Office would get very far in proceeding with a legal action in this section without having something that people would have a notice they are in violation of.

Harney gave the example of a property owner, such as in a trailer court, who is renting property out to individuals or simply renting the space out and someone else owns the trailer. He asked how the County would enforce and address the rental properties if a rental property ordinance was written. He asked if the County would not be able to touch the particular trailer that is not being kept up. Nehring said the obligation in ordinances addressing rental properties would be in regards to the owner who is renting out the trailer in that situation. If the party or entity that owns the mobile home court has taken legal possession of those trailers and is renting them out to people, then they would need to meet those requirements.

Nehring said if an individual owns a trailer and decides they want to live elsewhere, and is renting out their trailer to somebody else for \$300 a month, then that owner is the person who would be responsible in conjunction with the tenant. She said there would need to be some sorting out of those issues. The owner of that property essentially becomes responsible in that circumstance. That becomes a lot more complicated if property titles are not being transferred properly and legally, which are some of the complications the County has come into when dealing with the Regency situation. The line and history of title are less than clear in some of the situations.

Neuzil asked if the Board could also make that compliant with renting ground if someone says they are renting a mobile home. He said if the Board only addresses rental properties, there are a lot of mobile homes that people own and are very dilapidated throughout rural Johnson County. He asked if the Board could make the ordinance address rental homes or homes that are on rented property because that is, in essence, what people are doing.

Nehring said in a situation where a person owns the mobile home and is present and occupying it, it is going to be very difficult to hold the party that owns the land the trailer is on responsible when there is somebody occupying it. Generally, if there was a problem with the condition of that home, then the action would be against the person who owns the mobile home, is living in it, and has the day to day responsibility for maintaining its condition. She cannot see a way of passing an ordinance that would require the person who is renting the pad the trailer is sitting on to be responsible for the condition of that home while it is being owned and occupied by another person.

Nehring said it gets a little trickier once the trailer becomes abandoned, because the person who previously owned it no longer has any ownership over it and may not be reachable in any way. At that point, there is a better case for responsibility lying with the owner of the mobile home park, because they have control over that property once it becomes completely abandoned. There are some legal procedures for following through on that, which have been set out by the Legislature.

Sullivan said it sounds like all five Supervisors want to continue doing something, which is the biggest issue. The second biggest issue is the division between properties that are just rental or properties that go beyond that, because that dramatically changes which direction the Board goes. Sullivan asked if that is the next best place to see where three, four, or five Supervisors are at.

Neuzil said he thinks the next baby step would be trying to create a property maintenance code that just addresses rental property. He said then the question is on whether it would be on a complaint basis. Sullivan agreed. Neuzil said he is comfortable with moving forward with that first.

Harney said if he is renting a pad in a trailer park and has his trailer sitting on it, but is not maintaining it, then a rental code does not address the issue of the trailer he is leaving run down. Nehring said she thinks it would be difficult to get at it through that ordinance. She said if the owner of the trailer park was renting out those trailers to other people, then the owner would be subject to that. Harney said yes. Stutsman said she would be interested in trying to pursue that and see if there is any way that it could be accomplished. At this point, she is interested in moving forward with just rental

Rettig said most of the homes that are abandoned are in disrepair. She asked if those homes are owned or rented by someone. She said most people own the homes they are in. The homes that are abandoned are owned by someone, and are not being rented out. She said she looked through the pictures Dvorak showed the Board, of dangerous and abandoned homes. Nobody is renting them; they are just sitting there.

Planning and Zoning Administrator Rick Dvorak

Dvorak said there are a few of the pictures that indicate manufactured houses or mobile homes. Those are in parks and some are still on farms. There is nobody living in

them or renting them out to anybody because they are uninhabitable for the most part. Someone would probably spend more money improving them than the structure is worth.

Dvorak said Nehring put together a very nice housing code and presented it to the Board at a work session during the spring of 2010. He said he would go back to the Board's question about not only the structure, but the exterior ground around the structure. Dvorak said in this ordinance, it would not only be the manufactured home or an owner occupied home, it would also be the exterior of the property, including existing buildings that were unsafe.

Dvorak said Planning and Zoning now inspects garages being built in manufactured housing parks because there were so many concerns about the poor construction of those. Not only were the buildings in bad shape, but handicap accessibility ramps was poorly constructed. None of the ramps were being inspected. It is nobody's fault because no one knew what the requirements were. He knows Planning and Zoning has a very good housing code draft that they could share with the Board, if there is a directive from the Board. At that time, the code was not strong enough.

Sullivan said Dvorak suggested a rental code a year ago and the Board said to go with housing. The Board has to take some responsibility for what they told Dvorak to do because it was not Dvorak's idea. The Board has the right to change its collective mind. Dvorak said the fact that the County can listen to the public and try to get the biggest concerns is the part he enjoys most about working in the government. When Planning and Zoning adopted the building code there were more people at that hearing than at the last public hearing, but Planning and Zoning made compromises. Over time, Planning and Zoning built the codes into what the public demanded and got stronger codes. Now Planning and Zoning inspects handicap ramps, accessory buildings, and the general maintenance of the structures.

Dvorak said if there is some interest today in looking at a housing code for rental properties only, Planning and Zoning has a draft for the Board to revisit. If the County is looking at trying to modify this draft to just do rental properties and exclude owner occupied properties, the exteriors, and accessory buildings of owner occupied properties, then it will take the County longer to retrofit this. He said Nehring may disagree.

Rettig said she is not sure passing an ordinance that applies only to rental properties gets the County much further down the road. She said most of the complaints she has received are in cases where people own the property that is an attractive nuisance, is dangerous, or has raccoons coming into the house through the floorboards. She said she thinks Dvorak went out and looked at how many properties are rental. She said at one point, Dvorak advised that it would have been difficult to do it without an underlying housing code. No matter what it is called, the language needs to be strengthened as to what the County means by complaint driven and what is needed for warrants.

Rettig said if Planning and Zoning wants to go in and inspect every three or so years for a fee, and make sure people who are charging money to rent property are maintaining

it in a way that is safe, then the County has to have a housing code in order to enforce it. The section of the Iowa Code quoted in the letter the Board received says that to enforce a rental code there needs to be a housing code. If the County had a rental code but no housing code, all of the abandoned, dangerous, and attractive nuisance properties the County gets complaints about would be exempt from this because they are owned by someone.

Stutsman said maybe the Board could talk about some of the properties that were abandoned. She said in one case she worked with the Health Department, and that problem got solved with what the County already had. However, those were rental properties that had eventually been abandoned, not owner occupied properties. Rettig said those properties were owner non-occupied, with no one living there. Stutsman agreed.

Dvorak said he thought there were some limitations on the health requirements. He said he may be incorrect, but Public Health did not have the requirement that the structure would have to be removed if it was a dangerous structure. He thought the County's ordinance would make that jump from a potential health nuisance or attractive nuisance to a dangerous structure. Dvorak said Public Health may have strengthened that language since he read it last.

Public Health Director Doug Beardsley

Public Health Director Doug Beardsley said Public Health is currently working on revamping their nuisance ordinance. The current nuisance ordinance is one and a half pages. He said the threshold for Public Health's action is a situation where the property affects someone else or the public. Usually owner occupied properties, the interior, and rentals really have not been Public Health's bailiwick. It has to be something that is affecting the outside.

Beardsley said Public Health met on January 10, 2011 to wordsmith the ordinance some more. He said for property, like an abandoned trailer that is accessible with broken windows, no door, and easy access to the public, Public Health's standard has been that if those openings are plugged up, then that immediate nuisance has been abated. Beardsley said with the new standards, Public Health is trying to look at abating the nuisance. Putting boards up is temporary, but the property still has to be fixed or removed. With trailers there is the issue of the ownership of title.

Beardsley said Public Health has expanded their definitions. The trick is trying to find a balance of how intrusive or broad this ordinance is going to be and trying to keep the filter on its effects on the neighbors, not on the owner or the people living there. That may not seem compassionate, but it is the Public Health approach. Beardsley said this is a lot more detailed with procedure. Operationally, it will be a benefit to the County. It probably does not change the types of things Public Health will address that significantly. He said Public Health is going to get a second draft to the Board of Health for discussion, there will be a public hearing on that, and then it will have to come to the Board of

Supervisors, but there is still some work to be done on that. The draft can be changed depending on the feedback Public Health gets.

Separate Set of Standards for Owner and Rental Properties

Rettig asked Nehring if the Board is capable of writing one set of standards for owner occupied or owner unoccupied properties, and a different set of standards for rental properties. She said the Board is already headed down that path because they were going to do upon complaint driven for owned properties and an inspection for rentals. She asked if it is possible to have one set of standards that would apply to abandonment and increase Beardsley's ability at Public Health or Planning and Zoning's to have these unsafe public nuisances either fixed, boarded up, or removed, and then have an additional set of standards that would apply to rentals.

Nehring said she thinks it is possible to work on a very stripped down policy that would essentially address the issue of abandoned buildings and provide some standards when a building is dilapidated or has gotten to a point where it requires intervention. She said there are two ways of doing that. One way is to bring it under a property maintenance code and the other way is to do it under the Public Health nuisance code. Some of those things depend on how broad the Board wants the authority to be and how soon the Board wants the authority to intervene.

Nehring said the abandoned property issue is slightly different than just a general property maintenance issue. As the County originally started down this road, the theory was to have a set of standards across the board, in terms of the basic thresholds of what people should do to maintain their property, and then go out and inspect and make sure anyone who is renting is following those specific standards. That provides a more level playing field and everybody is generally expected to comply with those same standards. She thinks the Board can set higher standards for rental property because of the governmental interest in providing quality housing. She said that is a possibility of something the Board can do. When the County went down this road there was some discussion because there was an interest in getting at the general property maintenance issue and it would be nice to have that underlying code. That is how the County has come full circle to this.

Nehring said it is her recollection that the rental housing code the Attorney's Office brought forward was modeled primarily on the Coralville ordinance, which only addressed rental properties. She believes Coralville had also adopted the International Property Maintenance Code, although Coralville is a municipality, rather than a county, and so they have slightly different issues. The City of Iowa City has incorporated both of those issues into their housing code to a certain degree. Iowa City provides a minimum set of standards and some slightly elevated standards of what people need for rental properties. There are also inspections of rental properties on a regular basis.

Nehring said she does not think the Board would be interested in adopting Iowa City's code because Iowa City has a lot of very specific things, such as no furniture on

outdoor porches. Rettig said the Board has already rejected weed regulations and such. Nehring said that would not be something the County would want to pick up as a model verbatim, but it is a model of an approach where a government has approached both of those issues. Nehring said the County could separate out the abandoned property issues as well.

Rettig said she hates to say property because she has little to no interest in enforcing any of these ordinances on exterior buildings except for in the rare cases the Board has talked about in the past. Rettig said if there was one set of standards for all homes that was very basic to life safety and health, and then a second tier of standards that applied to rental, then she has a much broader interest in doing that rather than just exempting any owned home. The majority of the complaints and problems the Board continues to hear about are in owned homes. Rental is a secondary problem, but the Board sometimes does not hear about them because the renter is hesitant to complain. The Board often hears from someone who has an abandoned property next to them that becomes an attractive nuisance for children.

Harney asked if he was renting a farm from someone and was farming that farm, if the County would inspect that farm property as a whole because the farmer is renting that home. Nehring said that is a difficult question to answer. She asked Harney under which scheme he was asking. Harney asked if that situation would be included if the County were going to have an ordinance on rental properties.

Nehring said there would be some discussion about to what level it is regulated and the standards that are being applied. She said the Board has the ability to impose some basic standards, especially life and safety, regarding the quality of rental housing. She does not read the Code as saying that just because a house exists on farm property that it is completely exempt from any regulation whatsoever. Lawyers will argue about how far the County can regulate and who exactly can be regulated under that code. The Attorney's Office has spent some time talking about the farm exemption and there are some areas where there is a statutory requirement that farms and people engaging in agriculture be exempted from zoning regulations and from being required to comply with the building code in construction. The Attorney's Office knows where the areas are, but that is the situation where attorneys argue as to how far the code extends because the Legislature has given protection in a given area. She understands that the Johnson County Farm Bureau has taken a position that such protection extends fairly far.

Neuzil said if there are three Supervisors who do not want to include farm properties, that is one of those issues the Board could get figured out really quickly. Sullivan said the Board has not finished answering the first question. He said he thinks Neuzil and Stutsman said rental only. Rettig said she is not interested in rental only. Neuzil said his next question is going to be what to do about housing or owner occupied properties.

Sullivan said if the Board can focus on a single issue at a time and find out if there are three, four, or five Supervisors then they will know if they can move on to the next

issue. Neuzil said right. Sullivan said he feels the same way Rettig does. He is interested in rental, but he does not think that goes far enough.

Harney said he wanted to do the rentals, and asked if the code could address owner occupied properties on less than one acre. He said he is trying to address some of the abandoned trailers that sit on certain small properties. Sullivan said if Harney is talking about exempting farms, that is the next issue. Stutsman said yes. Neuzil said actually the next issue is if the Board wants to include owner occupied houses. Rettig said or not occupied. Sullivan said yes.

Stutsman asked if the Board can make their own definition of abandonment. Nehring said one way of approaching the issue about abandoned properties may be to look at the Public Health Nuisance Code. She said because the Attorney's Office was contemplating that there would be fairly strong language in the property maintenance code when they were writing it, they did not spend a lot of energy on it. The Attorney's Office was looking at the extreme cases. There is going to be some limitation in that a property really has to rise to a level of posing a danger, it cannot just be any property that is abandoned. That is the restriction that comes if the Board follows the Public Health Nuisance Code route. Nehring said she thinks the Attorney's Office could be more specific in the language if the Board were going to use the Public Health Nuisance Code as a primary vehicle for enforcing the code. Right now, the definitions only trigger in the most extreme case.

Stutsman said it appeared the Board could have their own definition of abandonment. Nehring said the Board could set that out. She said if the Board pursues the code under that route she would have to look at the legal issue as to whether or not the County can independently create the ability to follow through and do the demolition. She does not think it would allow the County to just trigger Chapter 657A of the code because a Public Health nuisance really is not a housing code. The Attorney's Office would have to make sure that the Board has the legal authority if they want to be able to take some of those structures down. Just fining an absentee landlord probably will not satisfy people's concerns about the safety of those buildings.

Rettig said in order to trigger Chapter 657A the Board cannot just have a nuisance ordinance, they have to have a housing code. Nehring said she does not believe the County could rely on Chapter 657A as their legal basis if they just pass a Public Health Nuisance. She said there may be ways of accomplishing something similar to what is in that Code section without triggering that Code section. Sometimes there is more than one way to legally accomplish the same end. Nehring said she would like to have a little more time to look at that issue if the Board wants to go down that road.

Harney said he wants to do the rental properties, but he wants to exempt farms. Sullivan said that is not the question on the table. He said the Board will have to answer that later. Harney said that is part of the question Sullivan is asking. Harney said if he says just rentals, then that is it. He said Sullivan is not expanding into the exemption for

farms. Sullivan said rentals are a bigger subset than rentals that are farms. If Harney says yes to rentals then he can talk about rentals that are farms, which is a smaller group.

Rettig asked if the Board asked the County Assessor's Office or the Treasurer's Office what percentage of the properties the Board, the public, or the religious community has expressed concerns about are actually rented. She thinks the majority of those properties are actually owned. For example, Regency is not renting the trailers, they own them. In theory, Regency is supposed to be paying taxes on it. The problem is that people do not get a clear title on the trailer. These people pay \$2,000 for a trailer, they do not get the clear title, but they think they own it. Stutsman said a person thinking they own it does not cut it. A person either has a title or contract, or they do not. She does not know if the Board even included the owner.

Rettig said the reason the County cannot collect taxes is because the people who actually owned the trailer abandoned it. She asked if these people are the renter or the owner because the trailer has been abandoned and resold. She is not sure if the County can tell that, otherwise they would be collecting the property taxes on it already. Stutsman agreed.

Sullivan said the Board has ten questions they have to answer and they need to know if there are three or more Supervisors on each of the ten. He said he thinks at the rate the Board is going they could be at this meeting until 11:00 p.m. The Board will not decide anything unless they actually go through and say where each member is. Sullivan asked if Harney would rather skip ahead to another issue and come back to this. At some point, the Board has to address all of these issues and find out where people are.

Harney said he is missing something because he already said he is in favor of doing the rental properties with the exemption of the farms. Sullivan said OK, then that is a yes. Rettig said she thinks all five of the Board members are for doing rental properties. The question that was posed was rental only. She thinks the answer is yes if the Board wants to rephrase this to ask if the Board is interested in doing rental properties. Sullivan said yes, all five of the Board members are interested in something that addresses rental properties; that is clear. Harney said that is correct.

Sullivan asked if the Board is interested in doing rental only or if they want some kind of ordinance that would address an owned house. Stutsman asked if Sullivan is talking about an owned house that is rented or owner occupied. Sullivan said most of the homes are going to be unoccupied, but they are owned, not rented.

Stutsman asked about abandoned homes where the Board comes up with their own definition of abandonment, whether it is owned or rented. Sullivan said that is fine, it is just different in how Stutsman answered earlier. Stutsman said she is moving onto another question. Sullivan said Stutsman just said rental only. If the Board has three Supervisors who say they just want to do rental only, then the Board does not have to worry about abandoned properties because there is not a majority. Stutsman said when

she said rental only, she meant rental occupied. Sullivan asked if Stutsman is viewing an unoccupied home as different than an occupied home. Stutsman said yes.

Neuzil asked if there are three Supervisors that want to address rental property, but also want to address abandoned homes. He said his answer is yes. Stutsman said she would say yes to that too. Sullivan said OK. He stated that Neuzil and Stutsman say to address abandoned homes. Rettig asked if the word only was on the end of the question. Sullivan said no. Rettig said in that case she is a yes. Sullivan said he is a yes. Harney said he is a yes. Sullivan said the five Board members all want to address abandoned homes.

Stutsman said the devil in the details is the definition of abandoned. Beardsley said as Public Health is revising and strengthening the Public Health Nuisance Code, they have been working on a definition of abandoned. It is not just that the property is unoccupied, it includes parameters such as holes in the walls. If the property is out in the middle of nowhere, it is not going to rise to a public nuisance right now. If the property is next door and within proximity it can be enforced. Stutsman said that would bring up the complaint driven issue.

Sullivan said the Board can fight about the definition later, but if five Supervisors want to deal with abandoned homes they can put it on the list. Beardsley said he was just offering the fact that it is addressed to a certain level in the Public Health Nuisance Code and to throw that into the mix if that is going to satisfy what the Board wants. Sullivan said maybe that is enough. Now, Beardsley, Dvorak, Arsate, and Nehring have some direction and the Board needs to move on to the next issue.

Rettig said the Board already answered that five Supervisors want to deal with rental properties. There might be exceptions to that, but the Board already answered. Sullivan asked if five Supervisors want to deal with rental properties. Neuzil and Harney said yes. Sullivan said he does too. Neuzil said there are also five Supervisors who want to address unoccupied homes.

Neuzil said the next question would be if the Board wants to address owner occupied homes, and he is not interested in taking that next step at this time until the Board first addresses these things. Stutsman said no. Harney asked what was meant by owner occupied. Stutsman said the owner lives in the house. Rettig said for example, if she owned a trailer in Regency and her windows were broken out, this ordinance would not apply if it did not include owner occupied homes. Neuzil said it would apply under the Johnson County Board of Health Regulation of Health Nuisances Ordinance. Sullivan asked if Neuzil said no to owner occupied. Neuzil said correct.

Rettig said it is not a health nuisance if she does not have windows. Neuzil said it is if there is broken glass. Beardsley said in the current ordinance, a health nuisance is defined as a failure to secure. Sullivan said the Board does not have to fight about the definitions. Stutsman asked Harney if he is interested in including owner occupied homes. Harney said he is not. Stutsman said there are three Supervisors that say no.

Rettig said she thinks the County should regulate all housing stock. She said she proposed a two tiered system as a possibility, but does not know whether the Board could legally do that. Sullivan said yes, he thinks the Board should have something, although not exactly like what they had before. He said that issue is done; that is a no.

Stutsman asked if the Board wants to talk about exempting all farms. Sullivan asked if that should be the next item. Neuzil said that comes into the next question because now a majority of the Board wants to address both the rented property and the unoccupied homes. He said now he would probably take it to the next step and ask if the Board wants to exempt farms. Rettig said she got direction from legal that it is possible to do a two tiered system. Sullivan said he thinks the Board has always known that. Rettig asked if there are three Supervisors who have no interest in that. Stutsman said she is not interested at this point. Neuzil agreed.

Farm Accessory Structures

Sullivan said before the Board talks about farms, there are two pieces that they need to address, farm buildings and farm houses. Sullivan asked if the other Supervisors see those as separate issues. Neuzil said the Board already answered that with the owner occupied homes. Sullivan said no, not really. Neuzil said the Board did on abandoned homes. Sullivan said the Board should start with farm buildings, not houses. Neuzil asked if Sullivan is talking out anything outside of a house. Sullivan said anything but the house. Harney asked if those are described as out buildings. Stutsman said yes. Neuzil said accessory structures. Sullivan said anything that is not the farm house.

Sullivan asked if the Board wants to worry about regulating it. Neuzil, Stutsman, Harney, and Sullivan said no. Rettig said only in the cases that were lined out in the other one, where it is a public safety issue. Neuzil said he is not interested. Rettig said she thinks the exemptions the Board laid out after the staff clarified them were fine. Neuzil said he is still not interested. Stutsman agreed. Sullivan said he did not have a problem with what Rettig suggested. He thinks there are a couple cases where it would be applicable. It is cleaner not to do it. Neuzil agreed. Sullivan said there are four Supervisors who said no to any farm buildings. Rettig and Sullivan said accessory buildings.

Dvorak said the County Assessor has definitions and the State is looking at definitions. The County's ordinance is very consistent and has been enforced in 40 acres or more as long as there are standing buildings or accessory buildings. Sullivan said Planning and Zoning has a consistent definition of a farm. He figured that is what the Board was using. Stutsman agreed. Dvorak said it is not the State definition. Sullivan agreed. Stutsman said Johnson County's definition of a farm.

Nehring said if someone has five acres with a dilapidated barn, it would not qualify under any farm exemption. She asked if the Board is interested in regulating those types of structures that are not primarily dwellings. Sullivan said he is not. Stutsman said she

is not either. Neuzil and Harney said no. Neuzil said it sounds like the Board is interested in houses.

Rettig said there is one more category. Sullivan asked if the Board is interested in including farm houses. Neuzil said no. Sullivan asked if Neuzil is not interested in including farm houses. Neuzil said he is interested in respecting what the Iowa Code has already laid out. Stutsman said she would say no too, unless the farm houses are rentals. Sullivan said it would be a farm house. Rettig said the Board is only doing rentals because the other four Supervisors decided that. Sullivan said the Board already said only rentals. Stutsman said owner occupied, no.

Sullivan said the Board is now talking about a farm house that is rented. Rettig asked if the farm house was rented to a farmer or not. Sullivan asked if, for example, he owns a farm with two houses on it and he rents one to someone else, if the Board is interested in addressing the rental farm house. He asked if the Board is making a blanket exemption that it is farm and the County is not dealing with it. The Board already said no to the farm buildings. He asked if the Board is saying no to farm houses. Neuzil said rented farm houses. Sullivan and Stutsman agreed. Neuzil said he is not interested. Stutsman said she is not prepared to answer this one quite yet. Sullivan said he would like to have all rented houses treated the same way. He does not see a difference if it is a farm house or not. Stutsman agreed. Sullivan said that he, Stutsman, and Rettig would like to address rented farm houses and Neuzil would not.

Harney asked how Sullivan had that worded. Sullivan said a rented farm house. Harney asked if it would be inspected. Sullivan said right. Harney said no. Sullivan said he is talking about any farmhouse that is rented. He said the Board could talk about it if they later want to limit it further. For now, with that broad topic, the Board has Neuzil and Harney as no and he, Stutsman, and Rettig as a yes for the inspection of a rented farm house.

Sullivan asked if there is another qualification a Supervisor wants to throw out. Rettig said the qualification is that the Board is just giving staff direction to write something. Staff could come back with something the Board absolutely disagrees with, so it is not like the Supervisors are held to this. Sullivan said right.

Stutsman said she is concerned with the rented only if it is rented to an unrelated person and not a family member. Rettig asked if Stutsman wants to exempt housing code and rental inspection from immediate family, with the definition to be defined later. Stutsman said yes. Harney said he thinks the definition he had in the way the zoning ordinance is written would fit that. The zoning ordinance said a renter of a residential structure on a farm that is related to the owner of a property in the manner of either brother, sister, child, parent, or grandparent. Neuzil said that is not a piece of farm. Rettig said she would rather have a broader definition of immediate family if the Board is going to exempt. Stutsman said to be determined later. Rettig said she is fine to exempt immediate family from a rental inspection, but the Board needs to define what that is.

Neuzil said he is not interested because he thinks it goes against the Iowa Code in regards to protecting the farm community. Rettig quoted the Iowa Constitution as stating "All laws of a general nature shall have uniform operation that the General Assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens." Neuzil said Rettig should talk to Iowa legislators about changing the law. Rettig said it is against the Iowa Constitution to carve out an exemption for a special class of people, which is what Neuzil is trying to do. Neuzil said he knows the chain of command and the State of Iowa is above the Board.

Stutsman asked if there is another classification the Board needs to talk about. Neuzil asked if the Board would include an unoccupied home on a piece of farm ground. Sullivan said the Board has addressed it twice because if it meets those standards of abandoned, whatever those standards are, then the Board has addressed it. The Supervisors have all said they want to do that. If it does not meet those standards, then it is considered owner occupied and the Board has had three Supervisors say they do not want to do owner occupied, so it would be exempt. Neuzil said OK.

Rettig asked if Neuzil is not interested in creating any sort of exemption for immediate family to be exempt from rental inspections. Neuzil said if it is on a piece of farm property, it should not be inspected; it is protected by Iowa law.

Rettig said she is talking about exemption in general, not farm property. Rettig asked if she would have to get an occupancy permit and a rental inspection if she is renting her grandmothers suite to her mother-in-law. Neuzil said no one has been talking about occupancy permits or any kind of rental permits at this point. Rettig said the Board is talking about rental inspections. Neuzil said the Board is talking about rental inspections, but they have not talked about having them on a complaint basis only or doing all the work of hiring staff. Rettig asked if she should have to comply if she is renting her mother-in-law a room in her house for \$50 per month to help out with the electric bill. This is a question of defining immediate family. If the Board is carving out that they only want this code to apply to rental properties, Rettig asked if her example is considered a rental or not.

Sullivan said there are two issues here. One issue is if the Board just wants an exemption for a family member. Sullivan asked if the Board would see a difference in renting a house to his son if it is in a subdivision or if it is a farm. He asked the Supervisors to agree to take them independently, because the Board might get different votes on the two issues. Neuzil said he does not think there is any difference. Sullivan said OK. He said the Supervisors do not think there is any difference. Sullivan said the question is then of family exemption.

Neuzil said he does not want the County to inspect farm properties. Sullivan said right, the Board understands that. He said now the issue is as a family exemption. Neuzil said he is not voting for anything that makes the County inspect farm ground because he believes that is against the law. Sullivan said OK. He said the Board should

go back to his earlier question which is that these are separate issues. Sullivan asked if Neuzil wanted a family exemption for non-farm housing. Sullivan said for example, if he were to own a house in a subdivision and he were going to rent to his son. He asked if that should be exempt. Neuzil said no. Stutsman said no. Sullivan said no. It is good to have the housing stock inspected if it is rented.

Dvorak asked about secondary suites built on parcels that are less than 40 acres. Owners are required to have an inspection by planning and zoning staff if they provide an apartment environment on anything less than 40 acres. It is not an issue if the family lives with owner. If the family member moves on and then comes back and wants an apartment in the house or an accessory building, they currently have to go through the County and inspections have to be made and get conditional use permits. Sullivan said right. Dvorak said he does not know if that helps Sullivan's question.

Sullivan said he was talking about if he owned a house in some subdivision north of town, he moved into town, and then rented the whole house to his kid. Rettig said she is a yes on being willing to carve out a family exemption from rental. Sullivan said OK. This is a non farm family exemption. Harney asked if it would be a rental property. Sullivan said right, but it is being rented to a family member. Harney said his vote is no.

Sullivan said now the Board is talking about farm property family exemption, for example if he were to own a farm with two houses on it and rent one of the houses to his son. Neuzil, Stutsman, and Sullivan said no. Rettig said she is still a yes for exempting immediate family. Harney said no, he is going to keep it consistent.

Sullivan asked what other issues the Board has to tackle. Stutsman said she wonders if that is a good place to start. Dvorak said he thinks Neuzil's point is well taken as to whether the Board wants a housing inspection based on complaints. Neuzil, Stutsman, and Sullivan said yes. Dvorak asked if the Board instead wants a housing inspection code. Sullivan said complaint basis.

Nehring said it appears that in most jurisdictions with a rental code, it is adopted under the theory that in order to obtain the privilege to start renting out property it has to be inspected. Usually there is a initial level of inspection that says if the building is structurally OK. Then there may be periodic inspections, such as on a three year basis, to maintain the owners' continued right to rent that property out. That could be modified, but that seems to be the standard model. Stutsman said she knows the Board has to deal with that sooner or later. She would almost like to stop right now and just see what the Board can come up with now and if there is consensus to move ahead with that before they start dealing with the other consequences that are going to come from something they work through.

Sullivan said the Board has tackled a lot of things. Rettig said the staff would have to know before they could write anything. Stutsman said she thought the Board stopped with complaint basis. Neuzil said the Board still has to address a few more things. He thinks Stutsman's point is well taken.

Complaint Driven Code

Neuzil said there seems to be some sense of direction that the existing draft of the property maintenance code is going to be set aside and the Board is going to tackle more of a housing code instead. It does seem to make sense to have some discussion about the complaint basis. The Board does not have to have the discussion today, but there may be other things on the list that they want staff to at least look at.

Harney said his concern is how the Board is going to define the word complaint. He asked if the County would respond to an anonymous complaint. Neuzil asked what the County currently does for those kinds of issues. Dvorak said the County addresses every reasonable complaint they receive. They use their own knowledge to determine if it is more of a personality complaint than a real one. If it is a nuisance type of complaint, the County defers it to Public Health. Planning and Zoning makes the decision about violations of County codes or of a zoning ordinance. He said Planning and Zoning works closely with Beardsley on making those decisions.

Dvorak said Planning and Zoning investigates anonymous complaints, but it is much harder going to the next step with anonymous complaints. Planning and Zoning tries to work voluntarily with everybody for periods of time. However, with an anonymous complaint it is very difficult to get a warrant or go to court. Planning and Zoning has been doing this for years and tries to work with the applicants and resolve the issues. With the strength of the Public Health Ordinance now, some of Planning and Zoning's responsibilities are going to be removed and their enforcement is going to be different.

Dvorak said he likes what Public Health is proposing. It is going to help Planning and Zoning and Public Health a lot. Public Health has not changed the ordinance since 1974 or 1976. Dvorak said normally Planning and Zoning investigates every complaint and if they determine it is more of a life safety issue, they try to get that resolved in a shorter amount of time. When he has gone to court in the past the judges have always told him he has to give at least a reasonable time of 30 to 60 days to get complaints resolved. Planning and Zoning usually goes beyond that time if necessary on the lesser complaints, but they are very aggressive on getting the immediate complaints, that they determine are health and life safety issues, resolved.

Harney said the Board talked about farms that are less than 40 acres. In Johnson County, 40 acres or more is considered a farm. Planning and Zoning has talked about overlays specifically for the Amish community and other areas in the County that are raising food and are actually an agricultural operation. He asked if the County is still going to inspect those areas even though they are less than 40 acres. Neuzil said yes, only on rented property and owner unoccupied homes.

Sullivan said he is not opposed to revisiting what the County has as a definition of a farm at some point, but he does not want to muddy this issue with that because that is a big deal. Rettig asked if the Board already tasked in their Strategic Plan to revisit the

definition of a farm. It is a separate issue, but one the Board has already agreed to look at. Neuzil said the Board has done that in their strategic priorities. Harney said that is going to have huge impacts on things like this. Sullivan said it will have a huge impact on everything the Board does. Rettig said the County has a growing amount of people who can make a living on micro farming. In the Board's Strategic Plan they have already said they are going to look at this. It might be a year and a half from now, but there is a deadline. Sullivan said if the Board starts addressing the definition of a farm they are getting into hundreds of hours of work. Neuzil agreed. He said as one of the Board's strategic priorities it is likely something they will bring a community committee in to help them with.

Neuzil asked if the Board is potentially having owner unoccupied homes on farm ground inspected. Sullivan said he did not recall anything quite that. Neuzil said he wants to make sure where that is. Rettig said she is in favor of rental inspections and she thinks that is complaint driven. She said if she is charging someone to live in a home and they are not her immediate family member, at some level the County needs to have a minimum set of standards on life safety and security of those people who are paying good money for the place they are living in. That is different than an abandoned home which a neighbor says is a big problem because the kids are now gathering there. Rettig said the County would address those on a complaint basis rather than through inspection. Neuzil said he meant a complaint. Rettig said she thinks that needs to be complaint, not inspected.

Sullivan said he wants to make sure he has the right numbers. He asked if Neuzil is talking about a farm house. Neuzil said he is referring to an old abandoned mobile home that is sitting on a piece of farm ground. Stutsman said that is an abandoned home. Rettig and Neuzil said that is owner non-occupied. Sullivan said it does not matter if it is owner occupied or owner non-occupied. Neuzil said he considers that a farm structure. Harney asked if that is considered an abandoned home. Neuzil said that is what he was trying to get at. Sullivan said the Board does not yet have a definition of the word abandoned. Neuzil said that will be something the Board will have to figure out. Sullivan agreed.

Sullivan said, assuming the home is in better than abandoned condition and it is just sitting on a farm, the Board had three votes to not inspect. Neuzil said that is what he thought, but he just wanted to make sure. He said his aunt and uncle used to use the old house on their farm to store straw and keep it dry. Sullivan said that is not inspected under this code, unless the house gets to the point that it is falling down. Rettig said attractive nuisance. Dvorak said he thinks Beardsley's requirements kick in after the home has been abandoned for 180 days. Neuzil said yes.

Beardsley said Public Health is defining abandoned and unsafe and teasing out the two. Harney asked if everyone else is clear on what the Board is going to do for the draft that Nehring is going to do. Neuzil said the Board still needs to address complaint basis. Sullivan said yes, complaint driven. Neuzil asked if the Board wants the code to be on a

complaint basis, particularly on the rented part, or if they want to require an owner to have a permit to rent.

Nehring said the way someone approaches a rental ordinance is enormously different based on whether a permit is required versus having someone complain about the place they are renting out. She asked the Board to at least consider that with rental property, there is a difference in the relative bargaining power of the parties involved. A neighbor or somebody who drives by a piece of property that they are concerned about is in a different position than the person who is renting from their landlord in terms of complaining about the conditions. The Board may still choose to go with a complaint basis, but she wants to have them at least consider those issues. Neuzil said from what he has been hearing today at minimum, the question is if the Board wants to start with a complaint basis only. That is where he would be when approaching this question first.

Sullivan asked Nehring if inspection is inherent if the Board wants a rental ordinance of any type. Nehring said the standard model is that the County would require people to get an initial inspection and then do periodic inspections down the line. She said she thinks it is theoretically possible to create a situation where there are standards of property maintenance that apply when renting out property, but it winds up being enforced on a complaint basis. If somebody calls in and says they do not have a proper lock on their door and their heat is not ever above 50 degrees, then an investigation could be launched. Most of the models that she has seen so far have been the type where the owner will get a rental permit when they start renting the property. Nehring said that is more labor intensive, which is one of the reasons the County decided to proceed with the property maintenance code first. Once the County says that everyone who is renting property has to have an initial inspection, it requires a lot more staff time.

Harney said he has recently had several complaints from, for example, a family member who was living in a bedroom the family had put in the basement. There was no egress other than one way in and out past the furnace. He asked if there is any way of inspecting or responding to a complaint such as that for the safety of the individuals living there. Beardsley under the Public Health Ordinance a person can create a danger for themselves; they just cannot create a danger for their neighbors.

Stutsman asked if the Board can go back to the last bullet. Sullivan said yes, the Board still needs to decide the complaint basis, unless people have questions about the complaint basis. Harney said the complaint basis is the way to go. Neuzil, Stutsman, and Sullivan agreed. Rettig said she is a no.

Sullivan said he thinks the Board got quite a bit accomplished. Stutsman said she does too. Neuzil asked if the Board could list three additional things that they would like staff to help them with. He said a definition of what staff is defining as minimum life safety requirements would be helpful.

Neuzil said the second issue is getting a grip on enforcement and the third issue is trying to get a better understanding of penalties. Harney said those are his issues, along

with the authority to go in. Stutsman said yes. Neuzil asked if that seems reasonable. Sullivan said all of those things were in the proposal staff had given the Board. He said Neuzil is asking if there are options to do more or to do less than what was in the proposal.

Rettig said those things were not actually there, which might have created some of the confusion. The Board relied on the Iowa Code and did not redefine it in the property maintenance language, which caused a lot of confusion and people thought the County could just kick in their door without getting a warrant. Although the intent was there, the Iowa Code was part of that as the County would still have to get a warrant; it was not respelled out in the property maintenance code. Rettig said one of the things the Board might want to ask is if it should be respelled out. She said Nehring had some concerns about that because then every time the legislature changes something the County has to come back and change their local ordinance. Whereas if the County cites it by reference, then the original concern about warrants would apply. Maybe one of the problems is that the Board never cited it by reference either; they just knew the County could not do that without getting a warrant. She said the Board did not even say the County would have to obtain a warrant via a specific process. That is the enforcement part of it. Dvorak said some of the other Board members asked him for a better definition of a complaint somewhere in the ordinance.

Sullivan said he likes the idea of a complaint being in writing because the County then has it and can deal with it. He does not mind having people able to complain anonymously because sometimes there can be power differentials. For example, when it is a renter's last chance for a place to live and they are worried about where their baby is living so they want to complain, they do not want the owner to know who complained because the owner can just throw them out. Sullivan said there is value in having an anonymous complaint, but Planning and Zoning deserves to have something in writing that they can refer to. He said he understands it is harder to follow up on.

Rettig said when the Board was talking about draft 47 of the original property maintenance code she was told that even though an anonymous complaint could be investigated, if the County did not get any further and the property owners would not let them in, then the County would have to go and seek a warrant. An anonymous complaint probably would not be strong enough to get a warrant. Although this would allow the County to start the discussion and see if people would come into compliance on their own, an anonymous complaint would hold little weight if the County had to go to farther enforcement because they would have no one to prove it.

Dvorak said 90% to 95% of the people comply with the County's requests on complaints, but there are 5% of people who just blow them off totally. Rettig said a written anonymous complaint will not get the County any further than a verbal anonymous complaint if they have to go for a warrant. Dvorak said a signed complaint is much easier. Harney said he thinks the Board has to define how the County is going to respond to a complaint because it is going to be open to interpretation as to how it should be followed up on if they do not. The County should just have a procedure in place.

Sullivan said the County already has procedures for things Planning and Zoning responds to now. He is assuming the Board could just copy that. Dvorak said they are unwritten rules in some less severe cases. Stutsman asked if the Board is giving the charge to staff to draft something and bring it back. Harney said yes.

Commercial Property

Rettig said the Board talked about accessory structures on farms and rental properties, but never commercial property. She said she is troubled by the growing amount of large gathering spots the County has in unincorporated areas that do not go through any inspections for life safety issues. That is what results in unfortunate things like the big fire that occurred in Rhode Island. She carved out this public accommodations issue because it is different than accessory structures and homes. It is a public accommodations standard as to whether a building code would apply to commercial property.

Arsate said the commercial property would fall under the building inspections because it would be a change of occupancy or a request for an occupancy permit. In that process, the County would begin to inspect the building and bring it up to par. Rettig asked how often. Arsate said whenever there is that change of occupancy. Rettig asked what if there is no change. She asked if, for example, she were to own a large bar in an unincorporated area, which she then added onto 15 years ago, who, from the County, has stepped foot into this bar to make sure it has fire detectors, egresses, and that the exits are not boarded up. Neuzil said no one. Dvorak said the Public Health Department inspects them annually. Rettig said Public Health inspects for food safety. Beardsley said yes, but he does not know if fire suppression, ingress, and egress inspections are covered if the owner has to have a food permit. He said probably not. Dvorak said it used to be.

Sullivan said one would assume that somebody works there if it was a business and asked if it would fall under Occupational Safety and Health Administration (OSHA) requirements that a person would have to have a way in and out. Beardsley said that is a requirement, but OSHA is not there inspecting. OSHA comes in after the fact and penalizes the owner for violations. Sullivan said OSHA would act on a complaint, but it might take a while. Beardsley agreed. If Public Health gets complaints in a restaurant for someone not washing their hands, structurally the restaurant would have to be in compliance, but operationally Public Health will see what they see when they are in there. If a person is not washing their hands, but now they are because someone told them to, then the restaurant is back in compliance.

Rettig asked who someone would complain to if, for example, she owned a bar, took out all of the smoke detectors and boarded up the second exit. Arsate said the building inspectors. Rettig said after the building is built, she only has to get a building permit for the inspectors. She does not have to maintain it that way the whole time. Arsate said whenever he sees a dangerous situation in a commercial building, he has the ability to come in. Rettig asked by what regulation. Arsate said because the commercial buildings

are in operation and are being occupied as a business. Harney said if someone does not complain and the County does not have any rules, then there is nothing that allows building inspectors to go back in and inspect. Arsate said no.

Rettig asked what regulations allows building inspectors to come in ten years later and tell her to fix something she did to the door after she has already built, received her building permits, complied, and was granted occupancy. Arsate said he thinks it is under the authority of a building official for an illegally occupied structure.

Rettig said having large gatherings of people in unsafe structures that have either come out of compliance or never were in compliance is the reason she thought public accommodations should be included when the Board talked about this the first time. She would like to know if the County is already covered on that because she was told before that they were not.

Arsate said the fire marshal from each jurisdiction should be doing annual or biannual inspections of all commercial structures, but he does not know if they are. Stutsman said also when the building gets insured. Arsate said if an insurance company is going to be insuring that business, they have their own inspectors. He said the State also has periodic inspections. Dvorak said he will find out. Harney said that is an area the Board needs to cover and address, not necessarily in this, but as an add on. Neuzil said the Board should focus on housing. Stutsman agreed.

Recessed at 3:02 p.m.; reconvened at 3:07 p.m.

DISCUSSION FROM THE PUBLIC

Kathy Swenka said she wants to clarify rentals on farms. The County has a lot of farmers who are renting the land as well as living in a rental farm home. She asked if that home is going to be under rental inspection even though they are legally farming property and could have 200 to 400 acres. There are members of the Farm Bureau Board who are in that situation. These people do not own the home, or the land, but they are still actively farming it. Sullivan said it was three to two that a rented farm house would be inspected. Rettig said the Board has not said anything about inspections being covered yet. Sullivan said it would be covered under the code.

Morris Swenka said some day the County is going to have a new Board and their limitations are not going to be specified. M. Swenka asked what constitutes a nuisance or a legitimate complaint. He asked if the Board could exempt all farms except for those with rental houses. Neuzil said that has been decided already

Neuzil said the definition of a complaint or nuisance is something the Board is going to have staff define better for them. Harney said Public Health and other areas in the County have some definitions of a nuisance, but the staff will be refining something to fit this. Stutsman said she thinks the focus has been if the complaint is a concern for health and safety. Neuzil agreed. Stutsman said if this code is adopted, it will become an

ordinance as is. If there are any changes, the ordinance will have to go through the same process as before with public hearings and three readings. She said another Board cannot come up and make changes to the ordinance at will.

Debra Derksen said the Johnson County Republicans voted at the Central Committee Meeting on January 3, 2011, to oppose any sort of housing inspections on any rental, non-rental, or family farms in Johnson County. She said she is speaking on the behalf of over 20,000 rural voters. There are legal options that can be pursued without passing any new property maintenance ordinances. Rental farm houses are covered by Iowa Code Chapter 562A and 562A.15, requiring landlords to maintain fit premises. There are already provisions that would be covered. The Board does not need to rewrite anything because it would be like reinventing the wheel.

Sullivan asked if the Johnson County Republicans discussed or took a position on rental codes anywhere else. Derksen said she does not have the minutes on that. William Keettel said he is also with the Republican Central Committee, and the committee addressed the issue that was presently before the body rather than going back and trying to address other codes that existed elsewhere.

Sullivan said he knows a lot of people had a lot of questions about this. He said he went onto the website for the International Code Council (ICC) and got some information. At least 100 million to 200 million Americans are subject to the ICC already. It is from as diverse of a place as the wide open Great Plains, where there are very few people living, to Manhattan, and everything in between. Some places have one or two of the codes, and some have all 11 of the codes. Sullivan said he thinks the word international threw people off. The word is used because the code applies in a couple of other countries too.

Chad Murphy said he lives in rural Johnson County. He said he does not remember inspection of Johnson County rural businesses being discussed before. Stutsman said the Board said they were not going to tackle that issue right now. Murphy asked if that would be an issue discussed at another time. Harney and Stutsman said yes. Rettig said Arsate thinks he already has that authority, so the Board asked staff to find out. Arsate said under the International Building Code, if he were to see an unsafe situation as truly unsafe, then he can address that. He said he can come to the owner and say this building is unsafe, ask them to explain why, and then start the procedure. Murphy said it seems like a better way to handle it.

Summary of the Board of Supervisors' Position

Jim Dane said he is a Johnson County rural resident. He asked the Board to summarize where they left off so that the public can know what they are going to address by putting it in the code. Sullivan said the County would deal with abandoned structures, rental houses, rented farm houses, and enforcement would be complaint driven. However, the Board would not deal with owner occupied properties, farm buildings, and there would be no exemptions for families. Neuzil said there were things to have staff

look at as well as far as the definition of a complaint, minimum life safety requirements, enforcement penalty, and things of that nature. Sullivan said this is just to get staff to the point of giving the Board a draft that they may not approve. Neuzil summarized the Board's consensus as "Board agreed to have staff address minimum life safety requirements on a complaint basis on all rented homes and all owner unoccupied homes except on farm properties." Harney said staff will draw up a draft, provide it to the Board, the Board will do a review, and probably have a work session again. Once the Board thinks they have a good draft, then there will be a public hearing on that again.

More Comments from the Public

Dave Hogendorn said he is from rural Johnson County. Hogendorn asked that the Board consider that any complaint should be signed by the person complaining. Anonymous complaints should not even be looked at. The Board requires that of people who attend and speak at a meeting and should be able to require it of the people who file complaints against the property owners.

Rettig said she thinks Hogendorn would be allowed to speak without saying his name if he wanted to. It is for the purposes of the minutes so the Auditor's Office can know how to spell that name. Hogendorn said he thinks the people have the right to know who is complaining. Rettig said she understands Hogendorn's point. If a person were to refuse to sign in, the Board would not shut the microphone off on them.

M. Swenka asked if farm houses that are rented to a child would be inspected. Rettig said she is the only Supervisor who voted for an exemption for immediate family. Stutsman said it is up for discussion. The Board has not said anything for sure. Sullivan said the Board is talking about all rented farm houses as being covered. M. Swenka asked if they would be exempted or checked. Harney said checked.

Sullivan said if it is an inspection on a complaint basis then the house is not necessarily inspected; it would just be covered. The house could be inspected, but it does not mean that it will be inspected. Neuzil said that was the chicken and egg question the Board was having. Two of the Supervisors said they did not want any farm house on a farm to be inspected. The next question was about what to do if it is rented to a child or parent. Neuzil clarified that he said no in regards to the fact that he does not want it to be inspected in the first place. Stutsman said she was confused on that too. She said she does want to exempt family members from that. She asked if having a three to two vote threw everybody off. Sullivan said it does not change the results, but it does beg another question because there were two questions there. Stutsman said the Board should not go there. Sullivan said OK.

Neuzil said he thinks staff has the intent here. He said all of this is only meant to give direction. He said it is great to have this many people here. This is what happens all the time in a work session. The Board gives and takes to the point where staff can have better direction on what the Board wants them to research. He said the Board gives and takes when taking a \$70 million or \$80 million budget apart as well. The Board may or

may not vote for it in the end. There might be something that the Board is so fundamentally against that they will not vote for it. Right now, that is what is on the table. That does not mean it is going to stay on the table. Other things can be added. Harney said the Board may not necessarily agree with these items that everybody voted for and addressed. That could be subject to change when the draft comes back. Neuzil said the official vote happens when the Board has the official vote. Sullivan said even then, there are three official votes because it is an ordinance.

Kameron Spears said he lives in Iowa City, but he also lives in Johnson County. He said he is appreciating the process. He generally ignores government because he is too busy working, but he is finding it very informative. Spears asked if any of the Board members have been out to Regency lately. Dvorak said the County has an inspector who goes through there every week to tour it. Spears said he passes Regency every day. Whatever the Board is doing has initiated improvement already. He said he is passing Regency every day and is seeing them tear things down, pulling things out, and trying to make repairs. There is some change happening. He thinks addressing these issues is important because everyone wants people to be safe. What the Board is doing is making a difference even though they have not quite decided what they are going to do moving forward. Neuzil said that is good to hear. Stutsman said she drives by Regency every day too.

Neuzil said a misunderstanding from the last meeting was that the Board had made a final decision. The Board is a long way from that process yet. It is not until the Board gets to the three votes that take place to pass this kind of ordinance that they get more serious about where they are. The Board changed course, in part, because of the response they received from citizens, both for and against.

Carol Ann Christiansen asked the Board how many more inspectors the County would need if they were to go through with inspection of rentals, and how much that would cost the taxpayers. Dvorak said he thinks the current staff is adequate enough to inspect if the County does this on a complaint basis. Rettig said there would also be fees. Dvorak said there would be offsetting fees. Sullivan said if the Board went through with an annual, biannual, or every three year inspection, then Planning and Zoning would have to add staff, but the present staff is adequate enough to handle the code on a complaint basis. Dvorak said he and Arsate both agreed on that when the Board first started this discussion a year ago. Sullivan said right now, the County does not think the code will cost anything.

Keettel said one thing that troubles him with this ordinance is the highly coercive fining procedures, such as \$1,000 a day from the first day. If a citizen has a problem or disagrees with the inspector on the changes demanded to their property, then they should be given meaningful opportunity to have an administrative hearing as to whether these changes are appropriate. Otherwise, it gives the inspector dictatorial power and renders the citizen insecure in their own dwelling.

Rettig said the Board no longer has an ordinance they are considering, but the ordinance they did consider in December 2010 had that in it. The appeal process is to the Board of Adjustment, which is a citizen commission. Then after the Board of Adjustment, the citizen has the ability to go to court. The appeal process for any ordinance the County has on building inspections is to the Board of Adjustment. Nehring corrected Rettig and said Board of Appeals. Rettig asked how many people are on the Board of Appeals. Arsate said seven. Rettig said each Board of Appeals member has expertise in different areas. Arsate said all different areas, such as electrical and plumbing.

Keettel said thank you for that clarification. He said this is a code that has spread across the nation and probably appeals more to people in urban settings where the doctrine is that they cannot fight city hall. Keettel said he would like to have something built in so that the citizen feels secure in their own dwelling or farm. Harney said he would agree that there should be an appeal process of some sort. Rettig said it was her problem for misspeaking. Sullivan said the code is broadly accepted in places that are much less urban than Johnson County, including counties in Iowa, like Mills County.

Rettig asked if County staff wants a committee to assist in the draft. Dvorak said the staff had a committee with Rettig and Stutsman on it. He said he is not sure if Rettig and Stutsman still want to help them. Rettig said she thinks the Board should appoint a new committee. Sullivan said he would like to see the staff come up with something the Board members can all work with. Harney said he would like to see staff work together and bring that to the Board. Rettig said that is the answer. Stutsman asked if the Board wants to put a time frame on that. Sullivan said Dvorak's liaisons can keep him honest on the time line.

Adjourned at 3:31 p.m.

Attest: Tom Slockett, Auditor
By Cynthia Courter, Recording Secretary