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City of Hiawatha
Community Development Department

To: Hiawatha City Council **Date:** April 24, 2018

Purpose: Amend Hiawatha Housing Code Chapter 163

Review: These changes have not been reviewed by the Board of Appeals. The work on revisions to our Housing Code has been ongoing since we have hired a new code enforcement officer and implemented new rental housing software as part of our permit software. The conversion process has revealed the need for some administrative changes. Our staff has reviewed adjacent city regulations and is working to combine them with our new licensure processes intended to save time and create an on-line process for rental property owners.

Description: The City of Hiawatha and surrounding jurisdictions have generally adopted the latest model building codes in order to stay current with the latest technologies, building materials and improved methods. In the same way, we consult regarding rental housing issues in an effort to create consistency for owners and renters regarding housing standards and inspection fees.

This meeting will only deal with setting the public hearing for the Housing code changes in chapter 163. The adoption of the new Property Maintenance Code; Chapter 164, was previously adopted with the 2018 Mode Code Adoption Package. Chapter 163 has been streamlined to address mainly administrative provisions of the Housing code. The prescriptive requirements have been moved to Chapter 164.

The major administrative change is the addition of flexibility for collecting inspection and investigation fees. The new language will allow the City to collect these fees on an annual basis rather than a sporadic three to five year cycle. The annual renewal fee will:

- **Streamline payment processes**: The current process requires the City to bill the landlord prior to scheduling inspections. This would is done every three years. The landlord receives an invoice for the inspections and a notice to schedule inspections on each individual property at differing times. Allowing for annual billing gives us the opportunity to bill once and make it very convenient for the landlords to pay on line.
- **Maintain accurate rental licensures**: The current process requires the landlords to update their ownership and management changes however these are seldom done on a timely basis. We spend extra time at the inspection renewal and on complaint inspection notices updating owner and contact information. With an annual renewal these ownership and management changes can be dealt with in a more timely fashion without interfering with the needed investigations.
- **Allow flexibility in the inspection processes**: Combining billing with the inspection process is cumbersome and confusing to the land lords. The schedule for regular inspections is dependent upon payment so scheduling cannot be completed with an unpaid balance. This is further complicated by added fees for change of ownership, failure to meet for an inspection or re-inspection due to violations. Using the annual renewal will allow the city to collect the fees separately from the actual inspection except for excessive re-inspections and complaints. Additionally, the change of ownership will not interfere with the regular inspection process as it will be corrected on an annual basis.

- **Facilitate budgeting**: Knowing how many rental units exist and number of buildings containing the rental units will determine the basic revenue for the program. Annual revenue prediction becomes very reliable for the major portion of this program. Fluctuation will still be evident by growth in units and the number of complaint inspections.

The new Plan of Inspections and the new Fee Resolution will be addressed at the next meeting. The proposed fee resolution will reflect the new proposal for an annual fee and added penalties for failure to register the "designated agency" within 30 days.

Recommendation: Community Development is recommending setting the public hearing for the adoption of Chapter 163: Housing Code, for May 16, 2018.

CHAPTER 163

HOUSING CODE

163.01 Purpose

163.02 International Property Maintenance Code Adopted

163.03 Amendments to the Property Maintenance Code

163.04 Authority for Enforcement

163.05 Registration and Fees

163.06 Plans of Inspection

163.07 Interference with the Code Enforcement Officer

163.08 Repealed: Unsafe Structures and Equipment

163.09 Right to Appeal

163.10 Failure to Comply

163.11 Repealed: Definitions~~Definitions~~

163.12 Repealed: Weeds

163.13 Repealed: Insect Screens

163.14 Repealed: Single Occupant

163.15 Repealed: Heat Supply and Occupiable Work Spaces

163.16 Repealed: Safety Controls~~Safety Controls~~

163.17 Repealed: Receptacles

163.18 Repealed: Smoke Alarms and CO Alarms

163.19 Code on File

163.01 PURPOSE. The purpose of this Chapter is to designate the responsibilities of persons for maintenance of structures, equipment and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.

163.02 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Housing Code of the City of Hiawatha that certain Code known as the *International Property Maintenance Code, 2018 ~~2015~~ Edition,* First Printing, as prepared and edited by the International Code Council, Inc., as amended by Hiawatha Property Maintenance Code Chapter 164, and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Hiawatha Housing Code.

163.03 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE. Certain sections and portions of sections of the *International Property Maintenance Code,* are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this chapter. Sections Amended: The following sections are amended by the addition of the following information.

163.04 AUTHORITY FOR ENFORCEMENT. The City Administrator shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Administrator to enforce this chapter shall be known as the Code Enforcement Officer.

163.05 REGISTRATION AND FEES. The Hiawatha Housing Code is hereby amended by repealing Section 103.5 of the *International Property Maintenance Code,* and by replacing said section with a new section, as follows:

Section 103.5 Registration and Fees

1. Registration Required. No person shall operate a rental dwelling unit, rooming house, congregate housing or independent group residence unless the person has first registered such rental dwelling unit, rooming house, congregate housing or independent group residence with the City. There is a ~~onetime~~onetime registration fee for all rental properties; fee shall be established by resolution of the City Council. Failure to pay the registration fee within thirty (30) days following occupancy of the dwelling unit, rooming house, congregate housing or independent group residence may result in the registration fee being assessed as costs against the property for collection in the same manner as a property tax.

2. Duration of Registration. Such registration shall remain in effect until there occurs:

   2.1. A~~a~~ change in ownership or designation of agents of the rental dwelling unit, rooming house, congregate housing or independent group residence. In such event, the owner, operator or agent of such property shall register such property with the City within thirty (~~60~~30) days of such change ~~in ownership~~. Failure to comply will result in a code violation with an investigation fee in addition to the registration fee; fee shall be established by resolution of the City Council.

   2.2. A failure to pay fees associated with registration, registration renewals, inspections or investigation fees defined herein.

   ~~2.~~2.3. A failure to comply with inspection requirements or failure to correct violations arising from investigations or inspections.

3. Registration Form. Registration shall not be in effect unless the owner, operator or agent has first made application on an application form provided by the City. At the time of registration, the owner, operator or agent shall designate an agent for the service of process who is a resident of the State of Iowa.

4. Inspection and Investigation Fees. Inspection and investigation fees shall be established by resolution of the City Council and may be levied as an annual renewal fee. Failure to pay any inspection or investigation fee within thirty (30) days following the date of the inspection or investigation or within 30 days of an annual renewal date may result in the termination of the registration and in the ~~inspection or investigation~~ fee being assessed as costs against the property for collection in the same manner as a property tax.

163.06 PLANS OF INSPECTION. The Hiawatha Housing Code is hereby amended by repealing Section 104.2 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

Section 104.2 Plans of Inspection. The enforcement of the Hiawatha Housing Code shall include:

1. A plan for the inspection of all residential dwellings contained within the City upon receipt of complaints.

~~1.~~2. A plan for the regular inspection of all rental units, rooming houses, congregate housing, and independent group residences.

~~2. A plan for the inspection of all residential dwellings contained within the City upon receipt of complaints.~~

163.07 INTERFERENCE WITH THE CODE ENFORCEMENT OFFICER. No person shall interfere with the Code Enforcement Officer while engaged in the enforcement of this chapter.

**163.08 Repealed (UNSAFE STRUCTURES AND EQUIPMENT: *Moved to Chapter 164*).~~ The Hiawatha Housing Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:~~

~~108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official shall commence proceedings to cause the repair, vacation or demolition of the structure and the structure may be condemned pursuant to the provisions of this code.~~

163.09 RIGHT TO APPEAL. The Hiawatha Housing Code is hereby amended by repealing Section 111 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

111 Means of Appeal. Any appeals arising from any act of the administrative authority in the determination of the suitability of alternate materials and methods of installation or construction and provide reasonable interpretations, and of variances from the Hiawatha Housing Code shall be heard by the Board of Appeals (hereinafter "Board") as set forth in Chapter 159 of this Code of Ordinances.

163.10 FAILURE TO COMPLY. The Hiawatha Housing Code is hereby amended by repealing Section 112.4 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

Section 112.4 Failure to Comply.

1. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a municipal infraction as specified by City Code.

163.11 Repealed ~~(~~DEFINITIONS. *Moved to Chapter 164*).~~ For the purpose of this chapter, the following terms are defined:

1. "Blighted area" is defined as set forth in Section 403.17 of the Code of Iowa.

2. "Vermin" means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.

3. "Occupant load" is defined as 2 persons per bedroom.

4. "Family" means one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who live together in a single dwelling and maintaining a common household. No more than five persons not so related and living together on the premises, as a common household may constitute a "family".

163.12 **Repealed (Weeds: *Moved to Chapter 164*)** **WEEDS.** The Hiawatha Housing Code is hereby amended by repealing Section 302.4 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:

302.4 WEEDS. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

163.13 **Repealed (moved to Chapter 164)** **INSECT SCREENS.** The Hiawatha Housing Code is hereby amended by repealing Section 304.14 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:

304.14 INSECT SCREENS. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have self-closing device in good working condition.

163.14 **Repealed (moved to Chapter 164)** **SINGLE OCCUPANT.** The Hiawatha Housing Code is hereby amended by repealing Section 309.3 of the *International Property Maintenance Code.*

163.15 **Repealed (HEAT SUPPLY AND OCCUPIABLE WORK SPACES.** ***Moved to Chapter 164*)** The Hiawatha Housing Code is hereby amended by adding the dates of January 1 to December 31 to the respective sections of the *International Property Maintenance Code* in Sections 602.3 and 602.4.

163.16 **Repealed (SAFETY CONTROLS.** ***Moved to Chapter 164*).** The Hiawatha Housing Code is hereby amended by repealing Section 603.4 of the *International Property Maintenance Code,* and by replacing said section with a new section, as follows:

~~603.4 SAFETY CONTROLS. All safety controls for fuel burning equipment shall be maintained in effective operation. Any structures using fuel burning equipment shall protect the residents by complying with the requirements of the Hiawatha Building Code which requires carbon monoxide detectors.~~

163.17 Repealed RECEPTACLES. ~~The Hiawatha Housing Code is hereby amended by addition of a new Section 605.2.1 to the *International Property Maintenance Code*, reading as follows:~~

~~605.2.1 GROUND FAULT CIRCUIT REQUIREMENTS. Receptacles which are within three feet of a source of water shall have ground fault circuit interrupter protection.~~

163.18 Repealed (moved to Chapter 164) .SMOKE ALARMS. ~~The Hiawatha Housing Code is hereby amended by repealing Section 704.2.1.3 and 704.2.1.4 of the *International Property Maintenance Code* and leaving said sections blank.~~

163.19 CODE OF FILE. An official copy of the Hiawatha Housing Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the office of the Clerk in City Hall and shall be kept there on file, and copies shall be available for public inspection. A copy of this chapter shall be available in the Community Development Department Office.

(Ch. 163 – Ord. 830 – Apr. 15 Supp.)

RESOLUTION # ~~09-052~~
AMENDING RESOLUTION #~~03-72~~ SETTING NEW FEES
CHAPTER 163 HOUSING CODE
SCHEDULE OF FEES

~~A. One time registration fee of $50.00 required for all rental properties. Each owner/operator, title holder or contract purchaser of a rental property subject to the provisions of the Housing Code shall register with the office of the Community Development Department within 30 days of transfer of title or possession of such property. Failure to comply will result in a code violation with a $50.00 investigation fee in addition to the registration fee.~~

~~B. Regular inspections, as set forth in the plan of inspection at a fee rate of $60.00 for inspection of the exterior structure, common areas, basement, attic and one living unit plus $10.00 for each additional dwelling unit.~~

~~C. Complaint inspections $50.00 for complaint inspection and recheck if a violation of the Housing Code is found. If no violation of the Housing Code is found then there is no fee.~~

~~D. Re-inspection - A fee will be charged for each scheduled re-inspection.~~

~~E. When a structure is placarded uninhabitable, vacant or becomes vacant during the inspection process there will be a $250.00 fee assessed if the dwelling is occupied prior to the issuance of a housing inspection certificate.~~

~~F. "No shows" (scheduled inspection in which the owner, operator, agent, tenant or other representative of the owner is not present to permit the inspector entrance to the premises or any inspection that is rescheduled with less than 2 hours advanced notice.) A $50.00 fee will be charged for each scheduled inspection listed as a "no show".~~

~~G. Appeals process: there shall be a $75.00 fee paid for filing an appeal before the Hiawatha Housing Code Board of Appeals. After the hearing is heard before the Board, the fee may be appealed to the City Council.~~

~~H. For an extension on a scheduled inspection requiring more than one week the owner or Management Company must complete a request in writing with reasons for the extension along with a construction timeline at City Hall. Only one extension will be granted during the course of the inspections. There will be a $20.00 administrative fee to extend these inspections.~~

~~The fee for re-inspections is based on the number of rechecks and/or "no shows" as depicted in the following chart:~~

This fee table is based on the administrative procedures in Hiawatha Codes:

Chapter 163: Housing Code
Chapter 155: Building Code

Fee Description		**Amount**
Initial Registration of Rental Property		$50
Change of Ownership or Change of "Designated Agent"		$50
Annual Renewal Fee:	Single Family Dwelling and Duplex	$30
	Multi Family Units	Each building $20 PLUS Each unit $5

[1][2]I~~Regular i~~nspection and re-inspection rate~~fee~~	Single Family Dwelling	$650~~/building plus $10/unit~~
	Duplex and Multi Family Units	Each building $50 PLUS Each unit $10
[2]Complaint Inspection	Rental Housing	$50
	Owner Occupied	$00
Request to~~ed~~ Reschedule an~~d~~ inspection		$20
Penalty Description		**Amount**
Failure to Renew Registration		$250
Failure to Register change of ownership within 30 days		$50
Failure to Register change of "designated agent" within 30 days		$50
Occupancy prior to Registration and Inspection approval		$250
[3]No Show inspection Fine		$50

[1]Fee for regular inspection and first re-inspection is waived when annual renewal fees are current.
[2]Complaint inspection fee is waived if no violation is found.
[3]No show inspection: Defined as a scheduled inspection in which the owner, operator, agent, tenant or other representative of the owner is not present to permit the inspector entrance to the premises or any inspection that is rescheduled with less than 2 hours advanced notice.

Second re-inspection*	$60.00
Third re-inspection*	$60.00
Fourth re-inspection	$60.00
Fifth re-inspection*	$60.00
Sixth or more re-inspection*	$60.00
CompJaint Inspections	$50.00
Housing Code Board of Aoocals	$75.00
Extension of inspections more than 1 week	$20.00
*No shows are considered a code violation and require a re-inspection along with a $50.00 fee charged for not rescheduling with at least 2 hours advanced notice of 01 fainal insoection time.	

Passed and Approved this 1st day of April 2009 .

AYES: Dick Olson, Marty Bruns, Nancy Melsa, Linda Bendixen, Bob Rampulla NAYS: None

C)

Thomas A. Theis

Thomas A. Theis, Mayor

ATTEST:

imwns, Citylerk

~~City of Hiawatha, Iowa~~

~~Plan of Inspection~~

HOUSING PLAN OF INSPECTION PROGRAM

~~(~~AS AMMENDED (date of Council Resolution)~~July 1, 2015~~

~~20xx)~~

I. INTRODUCTION

The Hiawatha Housing C~~c~~ode requires that a plan of inspection be developed and presented to the City Council for adoption as part of the City's housing inspection program. This plan of inspection is applicable to the inspection of all dwelling units, subject to the provisions of the Hiawatha Housing Code, including:

- The inspection of all residential dwellings contained within the City of Hiawatha upon receipt of complaints.

~~II.~~ The regular inspection of all rental units, rooming houses, congregates housing, and independent group residences.

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~~III. The inspection of all residential dwellings contained within the City of Hiawatha upon receipt of complaints~~

~~IV.~~ II. COMPLAINT INSPECTIONS~~S~~

The Housing Inspector shall investigate all complaints filed in accordance with City complaint policy alleging a violation of the Housing Code. All such complaints shall be registered on a complaint form.

~~It is the policy of the~~ The City of Hiawatha ~~to~~ will- investigate all housing complaints in accordance with the City Complaint Policy. ~~within two business days (a business day is Monday through Friday excluding City Holidays) receipt of the complaint.~~

~~**Please Note** All complaints must have written verification that the property owner ar agent~~or agent ~~has received notification of the complaint and allowed sufficient time to correct listed deficiencies.~~

~~The violations identified as a result of complaints shall be processed in accordance with the provisions set forth in the Housing Code.~~

~~The Housing Inspector shall attempt to notify the property owner or agent by telephone, personal contact, or regular mail that a complaint has been filed with the City alleging housing code violation(s) and that the City intends to inspect the dwelling in question. The property owner or agent shall be advised of the time and date of the inspection and shall be given an opportunity to accompany the inspector on the inspection. In the event that contact cannot be made with the owner or agent within the twenty-four (24) hour notice requirement, the owner or agent shall be notified in writing that the complaint has been filed with the City and that the inspection has been conducted.~~Inspection reports and violations identified as a result of complaints shall be processed in accordance with the provisions set forth in the Housing Code.

Rental Dwelling Units: In addition to the above requirements, all complaints regarding rental dwelling units must have written verification the property owner or agent has received notification of the complaint and allowed sufficient time to correct listed deficiencies.

III. ~~_____~~REGULAR INSPECTIONS; RENTAL DWELLING UNITS

i. FREQUENCY~~– FREQUENCY~~

Regular inspections of all rental dwelling units are to be conducted not to exceed five (5) year intervals.~~every three (3) years.~~ If a dwelling unit is converted from owner-occupied to renter-occupied status, such unit is to receive a regular inspection within thirty (30) days ~~twelve (12) months~~ subsequent to such conversion becoming known to the housing inspection division. If a new rental unit is constructed, the regular housing inspection of such unit is to occur not to exceed five (5) ~~three (3)~~ years subsequent to the issuance of the certificate of occupancy for that structure.

Regular inspections of all rental structures that contain ~~20~~ 10 or more units may ~~are to~~ include~~have~~ an annual inspection of the common areas, primary mechanical and electrical service areas, and fire protection systems. Such inspections shall be conducted using current fire code. ~~These inspections are subject to the fees as outlined in Chapter 163 of the Hiawatha Code of Ordinances.by Council resolution.~~

In the event that a ~~dwelling unit~~single family dwelling or multi family dwelling building ~~passes two concurrent regular inspections and has no violations cited and has no valid complaints cited during the period following the last regular inspection, the Housing Official may place the property on a five (5) year regular inspection rotation. In the event that~~ has a valid complaint ~~is~~ received during the five year interval~~period~~ and/or the property is cited for violations during a regular inspection, regular inspection intervals may be shortened to not more than a three (3) year interval. ~~it shall be returned to the standard three (3) year regular inspection cycle.~~

ii. NOTIFICATION

The City shall notify property owners of its intent to inspect dwelling unit at least five (5) working days, prior to the date of inspection. Such notification may be in the form of a letter, electronic communication or telephone communication with the owner or designated agent of a property. It is the responsibility of the property owner to make the necessary arrangements with the tenants so as to permit entry into the unit.

iii. COORDINATION

The inspections of the Housing Inspector shall be coordinated as closely as possible with the other departments, including Fire Department Police Department, and Building Department.

IV. FORM OF INSPECTION

The Housing Code establishes performance requirements, ~~and~~ acceptability criteria and documentation procedures for the ~~hosing~~ housing inspection program. Housing inspections will be completed in accordance with the International Property Maintenance Code as adopted by the Housing Code.~~To assure uniformity and consistency in the housing inspection, the attached Housing inspection form will be used in the inspection of dwelling units.~~

~~If a dwelling unit complies with the housing quality standards, a Certification of Inspected Housing shall be issued as provided in the Housing Code. If deficiencies or violations are detected as part of the housing process, a notice of violation shall be issued as set forth in the housing code.~~

~~It is the intent of the City of Hiawatha that the inspections of the Housing Inspector shall be coordinated as closely as possible with the agencies, including Fire Department Police Department, and Building Department.~~

V. INSPECTION FEES

~~V. NOTIFICATION OF REGULAR INSPECTIONS~~

Inspection fees shall be levied in accordance with the Housing Code and the associated fee schedule passed by resolution of the Council.

~~The City shall notify property owners of it's intent to inspect dwelling unit at least five (5) working days, and preferably ten (10) working days, prior to the date of inspection. Such notification shall be in the form of a letter or telephone communication with the owner or designated agent of a property. It is the responsibility of the property owner to make the necessary arrangements with the tenants so as to permit entry into the unit.~~

VI~~I~~. RIGHT TO APPEAL

Any person aggrieved by a written notice of the City issued in connection with any alleged violation of the Housing Code or any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, has the right to appeal to the ~~Housing Code~~ Board of Appeals, as provided in the Housing Code. Notices of violation to property owners shall advise property owners of this right of appeal.

V~~I~~II. MONTHLY REPORTS

The Housing Official shall submit monthly reports to the City Council describing monthly and cumulative actions taken with respect to the enforcement of the Housing Code.

~~Such monthly reports shall contain (at a minimum) the following information: Regular inspections performed; inspections initiated by complaints; re-inspections; correction of violations obtained; other inspections performed (nuisance violations, zoning violations, etc..) and such other relevant information as may be deemed appropriate by the Housing Official.~~

~~VIII. PUBLIC NOTICE~~

~~Before making regular inspections pursuant to the Plan of Inspection, a public notice advertising this plan shall be published in the Cedar Rapids Gazette. A copy of the public notice is attached.~~ ~~**VIII. PUBLIC NOTICE**~~

VIII. PUBLIC NOTICE

Modifications to the ~~rental~~ housing plan of inspection shall be by City Council resolution.

DRAFT

RESOLUTION NO. 18-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER AMENDING HIAWATHA CODE OF ORDINANCES CHAPTER 163 HOUSING CODE TO UPDATE TO THE 2018 INTERNATIONAL CODE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, May 16, 2018 at 5:30 P.M. regarding amending Hiawatha Code of Ordinances Chapter 163 Housing Code to update to the 2018 International Code.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 2nd day of May, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk