

**By Jan Schultz**

**The Imperial Republican**

Imperial city council's consideration of rental housing standards brought several landlords to Monday's bi-monthly meeting.

And, all of them had questions as well as concerns about the prospect of building standards for their rental properties and a proposed fee for inspections.

The council is still in the discussion stages on the rental standards, and held first reading of the ordinance at this week's meeting. They have pledged to hold three full readings of the ordinance, which means it will be on the agenda for at least two more meetings.

The standards, which were compiled from ones used in other Nebraska towns, would restrict the number of people living in a rental based on square footage, and require utilities that work, roofs that don't leak, indoor bathrooms, appliance requirements (e.g. oven, refrigerator, etc.), egress windows in sleeping rooms and inspection fees.

Landlord questions included how often the inspection fee would be charged, how do they control numbers of people living in a rental, window requirements and whether the same standards are required of those who own their homes.

Sergio Almanza, who owns about 20 rentals, was concerned with the inspection fee within the ordinance. Noting he has a number of renters who are temporary, maybe living there two or three months, he asked how often the fee would be charged.

The way the ordinance is now written, a \$25 fee would be charged for inspection when the renter changes, unless it's been inspected within the past year. If there is a long-time renter, it would be five years between inspections.

Previous discussion indicated all rental properties would undergo an initial inspection if the standards are adopted.

Several of the landlords said they can't always control what happens in their rentals.

Julie Chandler said the section that indicates a misdemeanor would continue every 24 hours against the landlord for violations "is a pretty harsh thing on just one owner for something he can't really be responsible for."

Several landlords noted they can't help that a tenant may not pay the deposit for utilities, or are shut off due to nonpayment of their bill, which could result in use of only space heaters.

The standards say there must be a safe, operating system for heating the dwelling.

Chandler said she felt the standards go against what the city is doing to try to get more rental property available. She felt the proposals will raise the price of rental units.

A question was asked if the same requirements are made of those who own their own homes, and who inspects them.

Billie Hayes said there are "no standards whatsoever for the house you live in but you have a higher standard for the house you rent."

There are such standard requirements for homes, as well, said City Building Inspector Nick Schultz.

City Attorney Phil Pierce felt some of the city's nuisance codes would also come into play on homes that are owned.

Community Development Director Leslie Carlholm said the main reason for such standards is safety. But, she also noted that, more and more, when applying for grants to assist in fixing up properties whether that community has rental standards does come into play in the scoring system for that money.

Pierce also agreed safety is the bottom line.

"I encourage them. These are minimum standards," he said.

He also felt having such standards in place give the landlord something to "stand behind."

If the landlord meets all requirements of a safe and adequate rental, and then the renter is in violation afterwards, "I don't see that as an issue" for the landlord, Pierce said.

The rental standards will be on the council's next agenda at the Jan. 11, 2010, meeting.

Due to the Christmas season, the council will not hold a meeting on Dec. 28.

### Other council action

- West Central Nebraska Development District (WCNDD) was officially appointed as the city's "nuisance officer" for enforcement of Imperial's nuisance ordinance. They were hired at the council's last meeting at a \$5,865 fee for nuisance abatement work in the city, a job city officials previously handled. Council members felt third party involvement for nuisance abatement would keep the process more objective. The city has already been divided into quadrants, and WCNDD staff will begin reviews in the first quadrant soon. Slight changes were also adopted in the city's nuisance ordinance to more closely coordinate with the ordinances WCNDD works with in other communities. City Attorney Phil Pierce said the changes mainly include enforcement measures and definitions. Other slight changes to the ordinance are also expected later on.

- Following action from the Planning Commission, the council approved a conditional use permit for Harchelroad Motors. The firm had been contacted by the Dept. of Revenue after the fire in October about their sales tax license since they are now conducting business from their showroom building across the street. Since it's a different address, the state required a letter from the city that Harchelroad's operations were allowed at the new site from a zoning perspective. Zoning Officer/Building Inspector Nick Schultz, in his research for the letter, said it was determined auto sales and service are not allowed in downtown commercial zoning, so a conditional use permit was needed. There was no public comment at the Planning Commission hearing earlier, or Monday night at the council meeting.

- Manor administration continues to fight with its insurance carrier on its refusal to cover roof damage this summer after the hail. The company said the roof is uninsurable due to its age, but has it included in the buildings insurance coverage. Council President Doug Gaswick felt it should be pursued, saying if it wasn't insurable they should have turned down covering it in the policy. The council directed City Attorney Phil Pierce to contact the insurance company by letter.

- Mayor Annie Longan made several appointments to city boards and commissions, and the council approved them. New or reappointed board members include Becky Carman, library board; Dianne Way and Greg Dickey, park and tree commission; Monna Milner, cemetery board; Doug Carman, Larry Radcliffe and Chad Fisher, Planning Commission; Ty Vetter and Larry Larson (alt.), variance board; Lori Beard and Leslie Carlholm, Imperial Housing Authority; Sherri Wheeler and Amy Leibbrandt, community center commission; and Judy Gaswick,

Citizens Advisory Committee. Appointments are still needed for the cemetery board, park/tree commission and library board.

- City public works employees on the trash routes are seeing a growing problem with people setting out additional bags of trash around their toters, expecting them to be picked up. Supt. Pat Davison asked for some direction. The council felt only what's in the toter should be dumped. Residents can purchase speciall bags at the city office for additional trash that exceeds what the toter can hold.

- As the council prepares for a new year, Doug Gaswick was re-elected as council president. Lynn Luhrs will be assuming several of the council liaison positions held by former council member Dustin Weiss, who she replaced.

- Expenditures from the city's economic development program of \$4,727.11 were approved for payment with sales tax funds from the economic development side. The funds were for the program's audit (two years), legal fees, training expense and MarketPlace scholarships to local businesses. The funds were earlier approved by the city's citizens advisory committee, but also require a council vote.