

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 15, 2008

The Ames City Council met in special session at 7:00 p.m. on the 15th day of April, 2008, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Doll, Goodman, Mahayni, Popken, Larson and Rice.

PRESENTATION ON RENTAL HOUSING CODE BY CITY STAFF: Mayor Ann Campbell welcomed the group in attendance. City Manager Steve Schainker stated that over the years, the Ames City Council has been dedicated to its goal of strengthening neighborhoods. One result of this goal has been the addition of two inspection positions with the intent of becoming more proactive in enforcement of the ordinances that impact the condition of neighborhoods. Mr. Schainker explained that since this has occurred, many concerns have been raised by rental property owners. Because of this, the City Council wanted to open the dialogue to better understand these issues.

Mr. Schainker stated that staff members are trying to balance the interests of neighboring residents, renters, and rental property owners. The Inspections Division staff has taken the initiative and developed "Conversations About the Neighborhoods," in order to determine what this diverse group of customers believe are the most important issues related to code enforcement. Mr. Schainker also explained that in order to address priority issues and concerns from the various groups, staff has suggested creating a citizen advisory committee to help address solutions. Staff is recommending the committee consist of two large-scale rental property owners, two medium- to small-scale rental property owners, two renters, and two neighborhood residents. The dialogue will be facilitated by Inspections Division staff, and it is anticipated that the committee members will participate in several meetings to prepare recommendations for additional public discussion and ultimately City Council consideration.

ROUNDTABLE DISCUSSION REGARDING RENTAL HOUSING CODE ENFORCEMENT: Jay Avellino, 111 State Avenue, stated that he is most concerned about requiring property owners to pave gravel driveways. Mr. Avellino is wondering if there could be a measure of significant progress made by a deadline, instead of completion of all requirements by the deadline. Mr. Avellino also stated his concern for property owners' ability to make a profit.

Duane Mangold, representing Prairie View East and Prairie View West rental units, commented on the number of people who work in Ames, but do not live in Ames. Mr. Mangold was also concerned that there are over 10,000 rental property units in Ames.

Sharon Guber, 125 State Avenue, stated that in the last four years, she knows of several property owners that have applied gravel when it's known that if adding a parking area, it should be a paved surface. Ms. Guber wondered how many property owners have consciously violated this requirement, and expressed her concern for safety since code requirements are not being followed.

Dilys Morris, 535 Forest Glen Street, stated that since this code has been passed, the cost of cement has increased significantly.

Gary Hunziker, 105 S. 16th Street, stated that several homes in his neighborhood have gravel driveways, and he doesn't see a problem with it.

Cory Paysen, 5317 Cervantes, stated that he desires to follow code, but is now being required to update things that have passed inspections for several years. Mr. Paysen said that he did not disagree with the instructions to improve certain things, but wondered about allowing property managers more time or developing a program for grandfathering some items.

Fern Kupfer, 2320 Knapp Street, expressed sympathy for the rental property owners. She wondered if the property owners are surprised with the current level of enforcement, or by the code itself.

David Keller, 3104 Maplewood Road, referred to the Code, and asked for clarification between a zoning violation and a rental housing Code violation.

Assistant City Attorney Judy Parks stated that the concept of grandfathering as a legal definition is not in conformance with the general idea of grandfathering. Under the Zoning Code, something lawful at the time may continue in the same use if the Code changes and makes it unlawful. She said Chapter 13 of the Code does not recognize that same doctrine because of safety. Many in attendance agreed that the issue lies in determining if the use was lawful at a specific point in time before a change in the Code.

Michael Yeagle, 200 Stanton Avenue, said that feedback from inspectors is needed. He would like to see more dialogue and receive suggestions on how to complete what is required.

Keith Denner, 917 57th Place, Des Moines, wondered about the possibility of a rental housing appeals board. He stated that he had served on one in the past, and the committee would hear the circumstances and hardships of rental property owners. Mr. Schinker advised that this format did exist at one time, and because of the workload has evolved into the Building Code Board of Appeals.

Pat Brown, 3212 West Street, spoke of the numerous changes to the Code over time, and expressed her desire for well-kept, safe neighborhoods. She suggested the committee being formed concentrate on a uniform applied Code that is simple. She also suggested thorough documentation of all inspections.

Kent Cooper, 909 Brookridge Avenue, said he feels rental housing is picked on and singled out.

Ms. Parks stated that a critical difference exists between rental housing and owner-occupied housing. She said the rental housing Code protects renters by creating a floor of safety. Ms. Parks related rental housing to the food service industry. She said because of the large number of individuals served, there must be systems in place for the safety of consumers.

Alex Galyon, 121 N. Russell Avenue, agreed that a floor of safety is needed. He expressed concern that some requirements have more to do with aesthetics than safety. He urged the committee that will be formed to determine if the Code as it currently exists is really what is desired.

Barry Larkin, 2825 Lincoln Way, spoke of aesthetics in the campustown area. He said that he sees four gravel driveways from a window in his home. These driveways have had gravel applied to them in recent years. Because the driveways are used by several cars each day and because of the effects of snow and plowing, the driveways look very unattractive.

Ms. Kupfer said aesthetics is very important, and appreciates landlords that care for their properties carefully.

Marcia Miller, 619 Stanton Avenue, stated she would like if every landlord treated his property as if he lived next door.

Carol Anderson, 1136 Northwestern Avenue, expressed concern regarding properties near her home that are not well-kept.

Mr. Galyon stated that there are many homes in his neighborhood that are owner-occupied that were not kept up well over the winter months.

Fire Chief Clint Petersen said that the City of Ames averages about 4,000 inspections per year.

Mr. Cooper expressed concern that many owners being asked to make improvements are paying commercial taxes.

Mr. Yeagle said he does not desire to argue about aesthetics, but believes that many of the goals presented are shared, and would like to see more dialogue.

Russ McCullough, 2054 Cessna Street, said he believes the issue is in the requirements that are not in the Code for safety reasons, but aesthetics. He said he would like to see more support of existing structures.

Jim Gunning, 119 Hickory Drive, said he believes Ames is overbuilt, and is concerned about vacancy rates. He believes there is a lot of angst among property owners because of citations.

Debbie Lee, 214 S. Maple Avenue, stated that she came to represent her neighborhood, because of the appearance of houses in her area. She asked the City Council for enforcement of the Code. She would like to see owners make an investment in their properties.

Ms. Morris said the issues being raised by rental property owners are not aesthetics-based. She encouraged the advisory committee to look at the Code changes and research what the drivers were.

Lad Grove, 30080 US Highway 69, said that in the current market, improvement expenses are not passed on to tenants. He expressed concern that rents are down, and vacancies are up.

Lyle Grove, 116 E. 9th Street, said that an inspection took place without him knowing about it, and a tenant that was recently given a three-day notice gave the tour. He felt that was an injustice to him, and wondered how it is determined what issues are the tenant's responsibility.

Mr. Avellino stated that the City and property owners have made great strides, but doesn't appreciate being billed when items are not completed to a certain standard.

Chief Petersen stated that property owners are not charged for re-inspection the first or second time it is scheduled. If the property owner still is not ready for the re-inspection at the third scheduled time, there

is a fee of \$50 per unit. Chief Petersen said that the fiscal year is 75% over, and revenue from re-inspections so far is \$700.

Ms. Kupfer thanked the Inspections Division staff, and noted that it may be difficult for awhile, but the enforcement will be worth it.

Mr. Denner said the City ought to think very carefully about giving tax breaks to new developments, and recommended no incentives for new housing.

Lad Grove suggested the City offer grants to assist with improvements.

Mr. Avellino spoke of his work to rental properties, and said he believes property owners are putting forth much effort.

Council Member Goodman said that the Inspections Division works hard to monitor owner-occupied dwellings as well as rental housing.

Mr. Schainker stated that the advisory citizen committee that will be formed will be working toward balancing the interests of neighboring residents, renters, and rental property owners. Their work may result in changes in the Code, the addition of longer correction time frames, or a modified appeal process. Mr. Schainker asked the group what they thought of the suggested format of the committee. Ms. Guber thought a long-term tenant should be included.

Chief Petersen said the volunteers for the committee will be selected soon, and there will be six to eight meetings over the next several months to prepare recommendations for additional public discussion and ultimately City Council consideration. The notes from the meetings will be posted on the website. He asked that anyone desiring to receive the notes via email contact David Brown at dabrown@city.ames.ia.us. Anyone who wishes the committee to consider certain issues may also contact Mr. Brown.

Mayor Campbell thanked everyone in attendance for their comments. She said the turn out indicates the desire to work together.

ADJOURNMENT: The meeting was adjourned at 9:04 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary