

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 30, 2010

The Ames City Council met in special session at 7:00 p.m. on the 30TH day of March, 2010, 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: Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member Keppy was also present.

Being *ex officio* Member Keppy's last meeting, Mayor Campbell proclaimed the day "Paul Keppy Day." Member Keppy stated his appreciation to the City Council for having the *ex officio* seat, and his thankfulness for the experience.

PROPERTY MAINTENANCE CODE: Fire Chief Clint Petersen described the effort over the last few years to conduct a comprehensive review of the rental housing code. First, the Rental Housing Advisory Committee (RHAC) was formed with the charter from City Council to clarify and update Chapter 13, the Ames Rental Housing Code. The RHAC presented 79 alternatives to City Council, of which 32 were also recommended for all residential properties. Chief Petersen said the Council focused on 24 of the recommendations that dealt with exterior maintenance to be considered for a residential property maintenance code.

Chief Petersen said that forums and focus groups were held to obtain public input regarding the concept of property maintenance codes before the Private Residence Property Maintenance Committee (PRPMC) was formed. He said of the 24 exterior property maintenance issues considered by the Committee, 20 of the issues had unanimous votes.

Mayor Campbell asked the Committee members if they had any comments.

Committee Member Carla Fehr said she thought the process went very well. She said the minority positions are well-represented in the report.

Committee Member Steven Kirts said his involvement resulted from the fact that there are several codes and regulations for new construction, but not for maintaining existing construction.

Committee Member Stephen Bond said he does not believe there should be separate codes for rental property and owner-occupied property.

Committee Member Anastasia Prokos said it needs to be recognized that there are different purposes for rental housing codes and residential property maintenance codes so that renters are protected.

Committee Member Paul Cowley said some recommendations by the Committee were more strict than what has been adopted. He feels they made recommendations in the best interest of the community as a whole.

Committee Member Judie Hoffman said she really enjoyed the Committee. She said one thing they heard was that more than 25 Iowa cities have adopted in whole or in part the International Property Maintenance Code. She said the Committee was not looking at strange regulations, but things that have been adopted in other cities in Iowa.

Committee Member Craig Zywicki said enforcement as well as assistance to homeowners that are unable to maintain certain aspects of their property are important to him.

Committee Member Monica Gillen said she wanted to be sure owners were protected, as well as their neighborhoods without being intrusive.

Council Member Orazem said he thought it would be useful to have a preamble, stating what it was that was guiding what to include or not include. He said when comparing the International Property Maintenance Code to the recommendations, he was appreciative of the Committee's take on certain subjects.

Council Member Davis said he had a call from an individual wondering about a code of this sort related to the 14th amendment. City Attorney Doug Marek said the International Property Maintenance Code is drafted in a way that takes those issues into consideration.

Council Member Tom Wacha thanked the members for their time spent with the issues. He referenced the chart on page seven, and asked the Committee where it feels the community falls. Mr. Cowley said the recommendations are minimums, related to preservation of the property and property value.

Council Member Larson asked the Committee if it worked with the Inspections staff regarding ways to enforce certain issues. Ms. Gillen said owner-occupied homes are not subject to routine inspections, as are rental units. On a complaint basis, someone would look into issues.

Ms. Fehr said Neighborhood Inspector Natalie Herrington and Building Inspector Ed Gillott were at all meetings, and gave input regarding the issues. Ms. Hoffman said they desired to help the Committee in order to keep the requirements very clear to residents. Ms. Hoffman said the Committee doesn't anticipate complaints ceasing, but the recommendations would make it easier for the inspectors to resolve some of the problems in a timely manner.

It was noted that four issues did not receive unanimous votes, and that seven of the recommendations are significantly different from the recommendations of the RHAC.

Chief Petersen reviewed the alternatives for the City Council.

Mr. Cowley spoke in reference to enforcement of the code. He said Chapter 13 becomes unenforceable because of all the language, which creates wiggle room and makes the job of the inspectors impossible.

Council Member Larson said it is not always known if the property is a rental property or owner-occupied property. He also said he is surprised about the tighter requirements for the owner-occupied properties.

Council Member Larson asked the Committee if they had met with the RHAC. Chief Petersen said Al Warren, a representative of the RHAC was brought in to meet with the group. He said Mr. Warren is now the chair of the Property Maintenance Appeals Board.

Council Member Davis stated his concern regarding homeowners suddenly being required to spend money to comply with new regulations. Ms. Fehr said she feels she is coming from the same position, and feels very comfortable with the Committee's suggestions.

Chief Petersen described the importance of having community conversation, education, and adequate time for homeowners to make repairs. He reviewed the seven issues that were recommended differently than they appear in the International Property Maintenance Code. Chief Petersen clarified that the decision has already been made to have a code for rental housing maintenance and a code for private residence property maintenance, and that of the 250 items in the International Property Maintenance Code, it is being suggested that 24 items could be uniform between rental properties and private residences.

City Manager Steve Schainker reviewed options with the Council.

Council Member Wacha reiterated a goal of the Council to strengthen and protect neighborhoods. He asked the Committee how this goal is promoted with their recommendations. Ms. Prokos said property values are very important to homeowners, as well as community relations within their neighborhood, which she believes could be improved. Mr. Cowley said an opportunity for service within the community by the neighborhood to make the neighborhood a stronger, better place is a great opportunity for neighborhoods to be strengthened.

Holly Fuchs, 806 Brookridge Avenue, Ames, spoke regarding tall grass and weed control. She said she considers the current code more appropriately written than the suggested language.

Sue Ravenscroft, 455 Westwood Drive, Ames, spoke about the protection needed for renters by the rental housing code, but said she is not in favor of a code enforced in the same way for private residences. She said she feels puzzled by section 9, which she feels advises against rain gardens and prairies. She said she feels the code ought to stop at health and safety issues.

Mr. Cowley said the discussion regarding rain gardens and prairie grasses was extensive. He said the language in no way would exclude something cultivated in a certain way, and said the Committee did not desire to inhibit the growth of such things.

Mr. Schainker said the Council has now received recommendations from two groups, and next time the Council meets on this subject, hopefully the Council will decide whether or not to proceed on a private property maintenance code. After direction is given, staff would write the code and bring it back to the Council for approval.

Discussion ensued regarding the RHAC and the PRPMC meeting together for discussion.

COMMENTS: Council Member Orazem spoke regarding the the memo from Steve Osguthorpe on the application and materials for rezoning the Casey's site. Discussion ensued regarding the possibilities of rezoning the site and/or area.

Moved by Goodman, seconded by Orazem, to refer to staff bringing back a rezoning of the entire area.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: Mahayni. Motion declared carried.

ADJOURNMENT: The Special Meeting adjourned at 9:03 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary