

## MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 21, 2011

The Ames City Council met in special session at 7:00 p.m. on the 21<sup>ST</sup> day of June, 2011, 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 Finseth was also present.

### **ENTREPRENEURS AND CODE IMPACTS OF RENOVATING EXISTING BUILDINGS:**

Mayor Ann Campbell welcomed the group in attendance for the discussion, saying that the Council is making business renovations a priority. The Council members and business representatives introduced themselves. Business representatives present were:

Sean Barber - Anything Scout and Barber Homes, 704 East Lincoln Way, Ames  
John Haila - Haila Architecture, 2330 Lincoln Way #207, Ames  
Scott Griffin - Olde Main Brewing Company, 316 Main Street, Ames  
Frank Jeffrey - PowerFilm, Inc., 1287 Xe Place, Ames  
Steve Aldred - Pro Commercial, 104 Campus Drive, Huxley  
Liz Naylor, Arcadia Café, 2712 Lincoln Way, Ames  
Ryan Jeffrey, Arcadia Café, 2712 Lincoln Way, Ames  
Chuck Winkleblack, Hunziker & Associates, 105 S. 16<sup>th</sup> Street, Ames

City Manager Steve Schainker said that one of City Council's goals is to promote economic development and promote Ames as a regional center. He said the Council wants to improve the environment for businesses coming to Ames. Mr. Schainker said the Council recently created a position for a business liaison in conjunction with the Ames Economic Development Commission, and Seana Perkins has been hired and will begin mid-July. He said business owners that have renovated existing buildings within the past year have been invited to share their experiences with the Council and staff concerning City codes and regulations.

Sean Barber said his building is located in the flood plain at 704 E. Lincoln Way. Mr. Barber said he has a retail shipping and auto parts business, and the upstairs of the building has been renovated for office space. He said when he moved to Ames between five and six years ago and was looking to purchase a building, he met Seana Perkins, who was a City of Ames Planner at the time. He said she was a real advocate, and answered questions he had as a new entrepreneur looking for appropriate space, and that when she left, it seemed like the advocacy left as well. Mr. Barber said that now when he asks questions regarding the code, responses from City staff are more typically, "You'll need to hire an engineer or architect to tell you that," rather than working with business owners to identify solutions. He described his experience trying to get a particular business to work, and said that much money was spent and things did not work out. Mr. Barber said he was very happy to hear about the new position of a business liaison, since he needed that type of assistance as a new business owner.

Steve Aldred said that he does not believe the code to be the problem, but rather the interpretation of the code by the inspectors. Mr. Aldred said his plans were approved for a small restaurant in an existing building. After moving forward with the plans, there were issues at an inspection when a particular inspector disagreed with what had been done according to the approved plan. Mr. Aldred said there is a different interpretation for every inspector. He complimented certain staff as being helpful when discussing opportunities and moving forward.

Council Member Orazem asked if it is the code interpretation or the length of time it takes to get clarification that is the problem. Mr. Aldred said he doesn't typically get a feeling for what the code really is. He said last year that after he installed a kitchen hood, the next inspector that came by said something different was required. He said it isn't the turn around time that is an issue, but rather inspectors need to be helpful through the process so business owners can comply. He also hopes there will be some consistency. Council Member Goodman said it would be helpful if inspectors came together when issues arise. Mr. Aldred hoped that issues could be caught in the plans review, not at an inspection.

Council Member Larson asked if the inspectors are getting hung up on making the right decision. Mr. Aldred said there are different responses among the inspectors, and that it is not uncommon for there to be different or additional comments at a later visit by the same inspector. He also said that he invited engineers and others to attend, but they would not come because they fear retribution. Ryan Jeffrey said he is experiencing the same issue of architects and engineers not wanting to come against the inspectors.

Council Member Mahayni said it seems as if plans are not being carefully reviewed. John Haila asked how detailed the plan specifications are required to be. He said, as part of a design firm, if a requirement is a kitchen hood, then they go in and discuss it from all vantage points with Inspections staff, discussing requirements and options in the beginning rather than just stating "kitchen hood" on the plans. He encouraged others to take advantage of preliminary meetings as well. Mr. Haila said he has good experience working with the Inspections Division. Mr. Aldred said that if the inspectors need more detail on the plans, they should ask for more detail before the project progresses.

There was discussion about the benefits of having comments at an inspection in writing.

Chuck Winkleblack discussed problems with renovating buildings that are 100+ years old. He said something is always encountered that no one could have imagined. He said it would be beneficial for an inspector to come out and give workable options. Mr. Winkleblack said that when code just cannot be met in certain instances, possible options that would still meet the intent of the code would be very helpful.

Liz Naylor said issues came up about the bathroom requirement, and whether it must conform to Americans with Disabilities Act (ADA) or the American National Standards Institute (ANSI). She said time was wasted as that was worked through.

Mr. Haila said renovating businesses is very confusing because there are a multitude of codes, and sometimes they conflict, which can be a real challenge. He said that plans are approved subject to full compliance with certain codes, so no one will be able to catch everything. He said the key is to have inspectors provide information along the way. Mr. Haila said the Inspections Division is very proactive in his experience.

Council Member Larson said that it would be helpful if a directive from Council was given to require comments or approvals by inspectors to become a written record or file on the property that is kept by the City.

Mr. Schainker said that staffing needs are being addressed currently, and that more advanced technology is needed, such as portable printers, so that notes and comments can be printed at the property.

Council Member Davis said that most people don't have the knowledge that Mr. Haila does as an architect when working through renovations, and hopes that Seana can help people through some of the issues.

Mr. Ryan Jeffrey said that if small businesses are to do well, then interpretation of the code is very important. He shared his experience with the grease trap requirement, and the differing viewpoints of the inspectors on the issue. Council Member Larson commented on the size of grease trap required for different businesses, and said he thinks there should be a broader discussion of the grease trap issue.

Frank Jeffrey said he believes the inspections department is making the decisions, and not a code requirement. He said it seems like certain inspectors look for the interpretation that is most expensive.

Council Member Goodman said Ames is not the only community requiring grease traps, and that the City has set policies for protection. Now that this issue is being discussed frequently, he believes staff should work with investors to discuss viable options.

Council Member Mahayni said that it is not the inspector's job to give the best alternatives, but rather the person renovating the space. Mr. Ryan Jeffrey said he researched the appropriate equipment with the help of his plumber, who had installed similar units in other businesses, but the inspectors would not accept it. Ms. Naylor said that they then hired a professional engineer, who would not go against the City.

Council Member Goodman said he wants to take action on the issues presented. He said it is important to have a system in place to address code interpretation issues in the future. Mr. Schainker said the code lays out how to appeal an interpretation of code, and if a text amendment is needed, the City Council will get involved in the discussion.

Council Member Larson said the City Manager must emphasize to departments the Council's goal of a "can-do" attitude so that personalities don't get in the way. He said if at all possible, staff needs to work with businesses, and if something cannot be allowed, then reasons should be provided.

Mr. Haila said that the goal of codes is to protect life and property and wondered if there would sometimes be alternative means to accomplish the same objectives, especially when working with very old buildings. Mr. Winkleblack agreed, and said that business owners don't expect the City to design their projects, but sometimes events play out that could never have been expected and it would be helpful if staff would give ideas for a solution in those instances.

Ms. Naylor said it would be very helpful to have a pamphlet on opening a new business in Ames. She said that speaking with staff is very helpful, but it would be really nice to have a list with check boxes so a person would know where to begin.

Discussion ensued regarding the code in Ames compared to other communities.

Council Member Mahayni said if more could be addressed during plan review, many problems would be avoided.

Scott Griffin asked who is in charge of the Inspections Division. He described his experience with receiving conflicting letters from different individuals. He said that small business owners have small budgets, and they need to know who has the final say.

Council Member Wacha said if there is a “can-do” mentality, then our attitude will be that we want businesses to open here.

Mayor Campbell told the group of a recent instance when an individual bought a building thinking he could do a particular thing with it, but didn’t do the checking up front.

There was discussion on the changing codes and the sometimes sudden change to the acceptability of a building.

Mr. Winkleblack discussed his experience with older buildings. He said stairways and fire escapes in particular are impossible to change. He also said the parking requirements in the Downtown/Campustown Service Center (DCSC) area are problematic sometimes. He said if there are no resolutions to these issues, then all of downtown will be empty.

Mr. Ryan Jeffrey asked if there is a law that mandates updating an entire building if you are working on part of the building. City Attorney Doug Marek said that it depends on the type of building and the type of remodeling. There was agreement that it would be helpful to know at what point the entire building would need to be brought up to code.

Mr. Schainker said that Seana Perkins will be able to assist business owners with questions and checklists in her new position. Mr. Barber said when he moved to Ames from California, he needed to choose a property for his business, and Seana answered many zoning questions and other questions he had since he was new to Ames.

Council Member Mahayni said it is not the City’s responsibility to advise owners on what to do with their business. Council Member Orazem said it is important that owners are able to ask questions regarding their options in specific instances. He also said he would like to see customers receive answers quickly. Mr. Schainker agreed, and said that business owners, as well as the people that will occupy or visit these buildings and possibly need to use the fire escape, are both customers of the City. He said that the City is attempting to enforce the code, and that staff should not be establishing policies outside of the code unless Council establishes a policy. Mr. Winkleblack said that owners do not wish to have an unsafe property, but to find a way to accomplish the same goal if the letter of the code is not possible in certain instances. Mr. Schainker said that there is flexibility in some areas, and not in others.

Council Member Goodman said he hopes that when a situation seems beyond the interpretation of the code, that we will not ignore that flexibility to assist the customer with a positive outcome. Council Member Davis concurred, saying that an alternative solution that meets the intent of the code should be considered.

Council Member Goodman referenced the code for bathrooms that requires two bathrooms when there are more than 24 people in a small space. He said that is unreasonable, and hopes staff can be flexible.

Mr. Ryan Jeffrey suggested creating a list of codes that have been adopted, clarifying which ones apply to particular projects.

Member Goodman asked that the group contact their peers and anonymously forward additional concerns to the Council.

Mr. Ryan Jeffrey said that he believes the Board of Appeals to be a conflict of interest since their livelihood is supported by requirements of the Inspections Division.

Council Member Wacha said that he is most concerned about the statement that certain people did not come for fear of retribution. He said if there is any retribution going on, he wants to know about it.

Council Member Larson said he is most concerned that the appeal process is truly an appeal process.

Mr. Schainker reviewed the list of issues and concerns with the group.

Discussion ensued on issues where many inspectors must be involved, and the need for a system to address code interpretation issues when they arise.

Mr. Haila said that specific checklists concerning grease traps and kitchen hoods as focus points would be very helpful. Council Member Larson said it would also benefit the customer to know who the particular inspector is for those items. Mr. Frank Jeffrey said the City should beware of portions of the code that are “tilted” toward the profitability of certain companies, and focus on what is best for the City.

Mr. Winkleblack said that staff should handle internal disputes without the customer.

Mr. Schainker assured the group that staff will work on the issues presented.

Ms. Naylor said that it is very helpful when the inspectors hand out the code portions they are referring to, and suggested that the City make all adopted City codes available to customers either in the Library or in some other convenient area.

Mayor Campbell thanked the attendees and asked that they would continue to comment in the future.

**ADJOURNMENT:** The meeting adjourned at 9:02 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Erin Thompson, Recording Secretary