

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

**AMES, IOWA**

**MARCH 30, 2009**

The Ames City Council met in special session at 7:00 p.m. on the 30<sup>th</sup> day of March, 2009, 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, Larson, Popken, and Rice. *Ex Officio* Member Tracy was also present. Council Members Goodman and Mahayni were absent.

Mayor Campbell announced that she had received a request to move Council Comments up on the Agenda.

**COMMENTS:** Moved by Doll, seconded by Larson, to refer to staff the following:

1. Letter from Maggie Sevde and Karin Sevde dated March 23, 2009, requesting a modification of regulations pertaining to the installation of sidewalks for Southern Hills West, Plat 2; and,
2. Letter from Chuck Winkleblack, Hunziker Land Development, dated March 12, 2009, requesting a waiver of the subdivision requirements for a proposed Northwood Heights Subdivision, 4<sup>th</sup> Addition.

Vote on Motion: 4-0. Motion declared carried unanimously.

**WORKSHOP ON THE PROPERTY MAINTENANCE CODE:** Assistant City Manager Bob Kindred presented the background on this issue. He stated that in response to the City Council's goal of strengthening neighborhoods and concerns that had been expressed about property maintenance in residential neighborhoods, several changes had been initiated or are now being considered. The Dangerous Building Ordinance was adopted, and a comprehensive review of the City's Rental Housing Code was initiated, utilizing the services of an ad hoc citizen committee. This group was organized to recommend changes that would clarify expectations for the City inspectors, rental property owners, tenants, and neighbors. Mr. Kindred advised that, after participating in 26 meetings, the Committee made 78 recommendations to the City Council. One issue that grew out of the Committee's work was a desire that the recommendations related to exterior maintenance issues be required for both rental and owner-occupied residential units. It was clarified by Mr. Kindred that there are two ordinances currently in motion: the Rental Housing Code, which is being drafted by the City Attorney, and the Property Maintenance Code for Owner-Occupied Properties. He said that the workshop being held tonight deals solely with the Property Maintenance Code.

Mr. Kindred recalled that the City Council, on November 18, 2008, unanimously directed staff to "proceed with the rental housing changes and a Residential Property Maintenance Ordinance simultaneously by modifying Chapter 13 and adding a chapter to the Municipal Code dealing with residential property maintenance, with the caveat that public input be received regarding the items that would pertain to all residential properties..." and bring it back to the Council for final approval. On December 16, 2008, the City Council approved 23 exterior property maintenance items for consideration in a new ordinance covering owner-occupied housing.

Public Relations Officer Susan Gwiasda advised that the following methods were used by the City to notify Ames residents and homeowners about the concept of property maintenance codes and opportunities to gather more information: "City Side" publication; City's Web page; an on-line survey; press releases; postcards to 7,188 homeowners; speaking engagements; radio; Channel 12; three focus group sessions; public input sessions and an open house; a guest editorial; and letters to neighborhood associations. The goals of this process were to: (1) educate the public about the need for such an ordinance and (2) receive

input from owner-occupied homeowners regarding the new concept. The Council approved the public input campaign and its budget and made it clear that only exterior items should be considered for a Property Maintenance Code. Ms. Gwasda briefly summarized the public input received from public focus groups and forums, the on-line survey, and the 2007 Annual Resident Satisfaction Survey.

Ms. Gwasda advised that there were fewer than 100 total participants in the public forums, from which surfaced no majority opinion. She also said that 50.9% of those completing the on-line survey indicated that they were in favor of a property maintenance code, and 68% indicated, in the 2007 Resident Satisfaction Survey, that they would like to see residential property maintenance standards for both rental and owner-occupied homes that address a home's exterior and yard. According to Ms. Gwasda, over 90% of those surveyed wanted action taken when there were junk cars on properties.

Fire Chief Clint Petersen noted that 7,188 postcard invitations to public forums were mailed to homeowners because that is the number of registered homeowners in Ames who actually live in their homes. There are 958 single-family residential units that are registered as rental units and 10,655 multi-family dwellings. The total number of residential housing units in Ames as of June 2008 was 18,801. Chief Petersen pointed out that the Inspections Division investigated 256 Code violations in the first year after hiring a Neighborhoods Inspector and a Rental Housing Supervisor, and 71% of those violations were located on private properties.

Chief Petersen stated that it was clear from those who participated in the most-recent public input opportunities that there is not overwhelming support for applying property maintenance requirements *carte blanche* to owner-occupied residences. However, according to Mr. Petersen, it appears that the level of support for the concept may be stronger if the City Council proceeds in accordance with the following theory:

Decision Continuum: The scope of property maintenance codes may best be represented by an array of choices. A city may choose to address only the most egregious violations of property maintenance (those that result in buildings posing a danger to the lives of occupants and neighbors).

Chief Petersen showed the following graphics in explanation of the Decision Continuum:

Graphic 1 represented an array of alternatives from which the City Council may choose to determine how far it wants to proceed.

Dangerous Buildings  
Health & Life Safety  
Adverse to Property Values  
Encroachment  
Aesthetics  
Style & Design

Chief Petersen added that during the input and educational sessions, it became apparent that the further the City moves down the alternatives identified in Graphic 1, the more citizen support erodes.

Graphic 2 illustrated the cumulative observations of staff members from the multiple meetings held over the last few months. Chief Petersen noted that it was not a representation of compiled data.

Graphic 3 showed one property maintenance code issue that might fall across the spectrum of code enforcement alternatives, i.e., peeling paint. Chief Petersen reported that excessive peeling paint is often present when dealing with dangerous buildings; however, currently, the City does not have effective ordinances for testing and abatement of peeling lead paint. He stated that peeling lead paint

is believed to be a health and life safety danger. Also, many citizens believe that the most egregious cases of excessive peeling paint adversely affect the surrounding property values, and some people believe that low to moderate peeling paint can affect their enjoyment of their property and neighborhoods. According to Chief Petersen, relatively few believe the City should adopt codes that address style and design features for painting existing residential properties.

The results of a survey of comparable cities were summarized by Chief Petersen. He listed the Iowa communities using the International Property Maintenance Code.

City Manager Schainker advised that it appeared from the community dialogues that minimum property maintenance standards applied to owner-occupied residential units could be acceptable to the greatest number of residents if an ordinance leaned towards the first three levels of the continuum: Dangerous Buildings, Health and Life Safety, and Adverse to Property Values. He presented five Property Maintenance Policy options, as follows:

- Option 1: Eliminate exterior property maintenance requirements from the Municipal Code.
- Option 2: Continue to enforce the property maintenance related requirements as they currently exist in the Municipal Code.
- Option 3: Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues, but apply these regulations only to rental units.
- Option 4: Revise the Rental Housing Code (Chapter 13) to incorporate the recommendations of the Rental Housing Advisory Committee related to exterior and interior issues for rental housing units at this time and move ahead to establish a citizen committee to work with the City staff to recommend minimum property maintenance standards for owner-occupied residential units for City Council consideration.
- Option 5: Delay any action to revise the Rental Housing Code (Chapter 13) at this time and move ahead to establish a citizen committee to work with the City staff to develop minimum property maintenance standards for owner-occupied residential units for City Council consideration.

Mr. Schainker stated that, over the years, City staff had expressed support for some form of a minimum property maintenance code to apply to both rental and owner-occupied residential units. That direction is supported because:

1. The issues identified apply to both rental and owner-occupied properties.
2. Voluntary action to improve properties is not always forthcoming.
3. Current ordinances cause frustration because they don't offer the correct tools or allow staff to respond in a timely manner.
4. The reliance on property maintenance codes is not a radical concept.

City Manager Schainker advised that staff also believed that an ordinance should not be supported unless the City Council:

1. Concur that a problem exists in the City's neighborhoods that requires new tools to improve the situation.
2. Believes that there is a legitimate role for government to intervene to ensure improvements are made on private properties.
3. Is willing to accept a substantial degree of criticism that will come, at least initially, from those homeowners who are required to make improvements as a result of the new ordinance.

According to Mr. Schainker, if the City Council decides to select an option that involves the establishment of minimum property maintenance standards, then it is staff's belief that:

1. The requirements should be directed only towards residential property, not commercial or industrial properties, at this time.
2. The current philosophical approach to inspections should be maintained. Inspections will continue to be made based upon citizen complaints or observations by a City Inspector while at a property to handle some other required inspection.
3. The International Property Maintenance Code should be adopted with local amendments.

Mr. Schainker advised that if the City Council decides to postpone any action on revising the Rental Housing Code, then it is important that the moratorium on enforcement that has been in place should be extended until December 31, 2009, for such issues as exterior painting, paved driveways and parking stalls, above-ground non-egress windows, and single furnaces with shared air flow.

Mr. Schainker also stated that, if the City Council decides not to adopt minimum property maintenance standards for owner-occupied residential units, then staff recommends that the new abatement procedures established for dangerous buildings be adopted for the existing code sections to help staff more effectively enforce the current laws.

Pete Goche, 2026 Country Club Boulevard, Ames, suggested that Option No. 4 be adopted in the interest of life-safety issues. He cited a case involving his neighbor at 2030 Country Club Boulevard, which was very difficult to resolve. Serious conditions existed for a decade. After an ice storm in 2007, dangerous conditions remained for over a year. Mr. Goche noted that there are still limbs hanging in the public right-of-way that are over seven inches in diameter. Those limbs are eventually going to fall, and there are people who walk on the sidewalk over which those limbs overhang. He believes that dangerous buildings and life and safety issues are paramount, and the issues of design and style are moot. Mr. Goche does not favor a moratorium on enactment of the Rental Housing Code in order to let the owner-occupied Property Maintenance Code catch up.

Monica Gillen, 2026 Country Club Boulevard, Ames, said that she and her family purchased their home in 2002. She listed the multiple maintenance problems with their neighbor's property, many of which were health and safety issues, which pre-dated their property's purchase. These issues were not addressed until Building Official David Brown was hired, and after that, the court system and her neighbor's endless monetary resources set the enforcement process back. Ms. Gillen also noted the additional safety issues that existed after the ice storm of 2007. She said that she firmly believes that a Property Maintenance Code is needed in Ames, but is unsure whether it needs to mirror the Rental Property Code. Ms. Gillen concurred that Option No. 4 made the most sense to be approved and believes that a property maintenance code is necessary to protect the public. She stated her belief that it is the responsibility of the homeowner to maintain his or her own property.

Mike Murray, 2016 Friley Road, Ames, said that one problem he sees with the discussion on property maintenance codes is understanding why the properties are in disrepair. There are multiple reasons why property owners might not have their properties up to the City's standards. He also expressed concerns about allowing enforcement by a complaint-driven basis, and advised that he was not in favor of that type of enforcement. Mr. Murray pointed out that, many times, property owners might have limited financial resources and limited capacity to do the work; that would not allow for substantial repair or maintenance.

Jim Gunning, 119 Hickory Drive, Ames, emphasized that the majority of the complaints received by the Inspections Division were on owner-occupied properties. He suggested that a new "Option 6" be approved, which is to include the 23 items that pertain to exterior maintenance. Those 23 items should be put together and made into a minimum property maintenance code that would apply to all residential properties. The remaining items that apply to the Rental Code should be included in Chapter 13, so that progress on the draft Rental Code is not stopped. By doing that, the idea of a property maintenance standard would have been identified and there would be equal standards for both rental and owner-occupied units.

Debbie Lee, 214 South Maple, Ames, said that she was concerned that people might get the wrong impression with the information presented tonight about the number of complaints coming from owner-occupied units versus rental units. She noted that a Rental Property Maintenance Code has been in effect for years, but parts of it have been difficult to enforce. Ms. Lee pointed out that there has never been a Property Maintenance Code that pertained to owner-occupied units, so there has been no way to deal with those issues.

Sharon Guber, 2931 Northwestern Avenue, Ames, advised that she was on the Rental Housing Ad-hoc Committee and noted that there was a vote taken by that Committee to recommend Option No. 4 (to move ahead with the Rental Housing Code and consider property maintenance for owner-occupied housing). Ms. Guber commended City staff for their work on this issue. She expressed frustration that the requirements relating to property are found in different parts of the Municipal Code and are not easily found. Ms. Guber asked that the sections be located together in an easily accessible manner in the Code. She summarized the decision of the Committee that property maintenance needs to be looked at for owner-occupied residential units as well as rental units. Ms. Guber again pointed out that the Rental Code is different than a Owner-Occupied Property Maintenance Code and the first should not be held up while the second is being considered.

Alex Galyon, 121 North Russell Avenue, Ames, advised that he, too, was a member of the Rental Housing Ad-hoc Committee. He concurred with Mr. Gunning, but called the Option No. "4.1" instead of "6." Mr. Galyon said that that option includes those items that should apply across-the-board. He brought the Council's attention to one of its goals, i.e., "Promote One Community," stating that a wedge should not be driven between owner-occupied and rental property owners. According to Mr. Galyon, Ames, as a university town could not function without rental properties. It makes no sense to him to single out rental properties.

Stephen Bond, 2555 Eisenhower, Ames, offered the following opinions:

1. Rental property is a for-profit business, and those properties should be held to a different standard that those for owner-occupied properties.
2. The International Property Maintenance Code should be adopted with local amendments.

Al Warren, 3121 Maplewood Road, Ames, agreed with Mr. Gunning and Mr. Galyon and recommended that the City move forward with the Rental Housing Code. He believes that the City should also move forward with a Property Maintenance Code including the 23 items that would apply across-the-board (to

both owner-occupied and rental) as long as there is an Appeals Board for the landlords and homeowners to go to determine whether enforcement was properly done. Mr. Warren said he wants an Appeals Board to be in place for both the Rental Code and Property Maintenance Code.

Deb Hendrickson, 2219 Prairie View East, Ames, also concurred with Mr. Galyon, Mr. Gunning, and Mr. Warren.

City Manager Schainker advised that staff would try to bring this issue back to the City Council on April 14 to get direction on the next step.

**ADJOURNMENT:** Moved by Doll, seconded by Larson, to adjourn the meeting at 8:32 p.m.

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Diane Voss, City Clerk

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Ann H. Campbell, Mayor