

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

AMES, IOWA

JUNE 20, 2023

The Special Meeting of the Ames City Council was called to order by Mayor Pro Tem Gloria Betcher at 6:00 p.m. on the 20<sup>th</sup> day of June, 2023, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, and Anita Rollins. Mayor John Haila and *ex officio* Tabitha Etten were absent.

**WORKSHOP ON MINIMUM PROPERTY MAINTENANCE CODE:** Fire Chief Rich Higgins and Building Official Sara Van Meeteren presented the Staff Report. City Manager Steven Schainker noted that thousands of communities use minimum property maintenance codes as a tool for maintaining the existing housing stock of an area. Building Official Van Meeteren explained that the initial proposal presented at the June 2021 workshop was based on Cedar Falls, Iowa. Staff gathered public feedback on the June 2021 proposal and made revisions to address resident concerns.

The four categories addressed by the Staff Report were: 1) Protection of General Public (Traffic and Pedestrian Safety), 2) Public Health (Garbage, Junk, and Vermin), 3) Protection of Property from Damage or Decay (Vegetation, Structural, Unoccupied, and Unsecured Structures), and 4) Other Considerations (Graffiti and Parking). Building Official Van Meeteren explained the initial proposal, resident feedback, and staff revisions for each item and answered questions from the City Council. Discussion ensued on several topics, including Garbage Receptacles at Curb, Dense Vegetation, Recreational Vehicle (RV) Parking, and Graffiti.

Building Official Van Meeteren reported that public feedback included concerns about the impact the proposed property maintenance code would have on those who were not physically or financially able to make the required repairs. She explained several options to address this concern. First, the building code currently allows the Building Official to waive up to \$1,000 of repair costs and gives the City Council the ability to waive larger sums if certain conditions are met. Second, the Story County Housing Trust offers reimbursements for major repairs on owner-occupied structures. Third, a volunteer program could be created where residents donate time to help homeowners in need. Building Official Van Meeteren also noted that some peer cities offer low-interest loans or grants for home repairs. Council Member Gartin emphasized the importance of developing assistance programs to support disadvantaged homeowners.

Introducing a new chapter of the *Municipal Code* specifically focused on exterior property maintenance provided an opportunity to consolidate relevant provisions from nine different code sections, explained Building Official Van Meeteren. She indicated that staff recommended creating a new appeals board comprised of neighborhood representatives to have oversight of the provisions of the consolidated chapter.

The community codes enforcement process differs from other types of code enforcement, Building Official Van Meeteren noted. The first step in the enforcement process is education with the goal of achieving compliance. The process is complaint-driven. Once staff receives a complaint and

verifies a compliance issue, the internal policy is to send three notices, with the last notice sent by certified mail. Each notice includes a window of time for coming into compliance, and Fire Chief Higgins noted that staff can work with residents to offer extensions if they have a plan for achieving compliance. Homeowners also have the option to appeal within 30 days of the first notice. If a citation is issued, Fire Chief Higgins clarified that the fine can be reduced or dropped at staff discretion if the individual comes into compliance, but the court costs cannot be waived. In addition to citations, the proposed ordinance also includes an option for enforcement through abatement, allowing staff to abate a violation in a timely manner and assess the cost back to the property.

Next, Building Official Van Meeteren shared data regarding the total number of individual cases opened for the different categories of property maintenance over the past four years, noting that several items only applied to rental properties under current code. Few cases result in citations each year, and several of those go to repeat offenders. Fire Chief Higgins emphasized that the goal is compliance through education, not citation.

Mayor Pro Tem Betcher opened the Public Input.

Erin Gibson, Ames resident, thanked staff for the changes made in response to community feedback. She suggested changing the wording for vegetation over 12” in the right-of-way (ROW) from “visibility” to “safety;” inquired whether the prohibition on chicken wire in the ROW would impact City efforts to protect ROW trees; and expressed concern that the proposed exterior structural requirements focused too much on the aesthetics of uniformity rather than decay.

Mayor Pro Tem Betcher closed the Public Input when no one came forward to speak.

Parks and Facilities Superintendent Joshua Thompson explained that the City Forester was moving away from using barriers to protect ROW trees because staff observed little deer damage in those areas.

Next, the City Council offered direction on what to include in the future ordinance.

Moved by Gartin to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits plantings in the ROW from exceeding 12” within 1’ of the street and sidewalk and allows staff to require any vegetation creating a visibility issue to be removed. Motion seconded by Beatty-Hansen after Gartin accepted a friendly amendment to replace the word “visibility” with “safety.”

Vote on Motion: 6-0. Motion declared carried unanimously.

Discussing the staff recommendation of 10’ clearance for sidewalks, Council Member Gartin stated that an 8’ clearance should provide ample height for cyclists and walkers. Council Member Beatty-Hansen expressed a preference for the staff recommendation of 10’ because it met the US Department of Transportation (DOT) standard. Mayor Pro Tem Betcher noted that deviating from the DOT standard could result in lost funding opportunities for City projects.

Moved by Gartin, seconded by Rollins, to direct staff to add to the ordinance being presented on June 27, 2023, the initial proposed language that requires a 16' clearance over public streets and an 8' clearance over sidewalks and bike paths.

Vote on Motion: 4-2. Voting Aye: Corrieri, Gartin, Junck, and Rollins. Voting Nay: Beatty-Hansen and Betcher. Motion declared carried.

Moved by Corrieri, seconded by Gartin, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits dangerous trees that pose a threat to the ROW.

Vote on Motion: 6-0. Motion declared carried unanimously.

Building Official Van Meeteren clarified that the prohibition on pushing snow or ice onto public streets after they have been cleared was not targeted at personal snowblowers; rather, it addressed privately hired plows pushing snow across the street to move it to a different property.

Moved by Gartin, seconded by Corrieri, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits snow and ice from being pushed onto the public street once the street has been cleared.

Vote on Motion: 4-2. Voting Aye: Betcher, Corrieri, Gartin, and Junck. Voting Nay: Beatty-Hansen and Rollins. Motion declared carried.

Council Member Beatty-Hansen questioned whether the 10 hour limit, which staff based on snow removal standards, made sense for deposits of leaves or mud where timely removal was less urgent. After discussion, a consensus was reached that a consistent 10 hour limit across different types of deposits would be best.

Moved by Beatty-Hansen, seconded by Gartin, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits accumulations of snow, ice, mud, gravel, grass clippings, and leaves from remaining on a sidewalk for more than 10 hours after the cause of the accumulation.

Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Gartin inquired about the rationale for applying the excavations rules to backyards. Fire Chief Higgins pointed out that shared use paths run through some backyards, and Mayor Pro Tem Betcher noted that Iowa One Call and meter readers may have to access backyards to do their jobs. Council Member Rollins clarified that the rule applied to open holes, so if a hole was covered or secured with a fence it would be compliant even beyond the time limit.

Moved by Beatty-Hansen, seconded by Rollins, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits holes from existing and clarifying exceptions.

Vote on Motion: 6-0. Motion declared carried unanimously.

On the topic of leaving garbage receptacles at the curb, Mayor Pro Tem Betcher inquired whether recycling, yard waste, and construction receptacles would be covered as well, and Building Official Van Meeteren agreed the intent would be to address those containers as well. She also

clarified for Council Member Corrieri that there had been 34 cases over the past four years, but this regulation only applied to rental properties in the existing code. Council Member Rollins asked about the purpose of the requirement to place garbage receptacles behind the front yard. Building Official Van Meeteren stated that moving them away from the street and the sidewalk was a matter of safety. Council Members Gartin and Rollins expressed concern that requiring garbage receptacles to be moved all the way behind the front yard was an aesthetic standard.

Moved by Betcher, seconded by Gartin, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits garbage containers from being left at the curb for more than 48 hours and requires them to be stored at least 10 feet back from the right-of-way. Vote on Motion: 2-4. Voting Aye: Betcher and Gartin. Voting Nay: Beatty-Hansen, Corrieri, Junck, and Rollins. Motion declared failed.

Moved by Corrieri, seconded by Beatty-Hansen, to direct staff not to pursue adding an item about leaving garbage receptacles at the curb to the ordinance being presented on June 27, 2023. Vote on Motion: 5-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Junck, and Rollins. Voting Nay: Betcher. Motion declared carried.

Moved by Beatty-Hansen, seconded by Rollins, to leave provisions in the Rental Code regarding garbage receptacles unchanged. Vote on Motion: 6-0. Motion declared carried unanimously.

In response to a question from Council Member Rollins, Fire Chief Higgins explained the prohibition on storing yard waste for more than 72 hours would not prevent residents from saving up yard waste for No-Charge Yard Waste Days because there was a plan for disposal. Building Inspector Van Meeteren clarified for Council Member Corrieri that this requirement would apply to all properties, including commercial properties.

Moved by Gartin, seconded by Corrieri, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits refuse, garbage, junk from being stored for more than 72 hours. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Beatty-Hansen inquired whether the proposed time limit for stagnant water would apply to stormwater retention areas. Building Official Van Meeteren stated that an exception for approved stormwater retention areas could be added. Stormwater management must be approved for new developments; however, homeowners who wished to have small-scale stormwater retention areas on their properties could work with stormwater specialists in Public Works to obtain approval. Council Member Gartin noted that koi ponds and bird feeders were already included as exceptions in the proposed language.

Moved by Beatty-Hansen, seconded by Junck, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits stagnant water from remaining on a property for more than 48 hours, with the exception of approved stormwater management areas. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Junck, to direct staff to not include the section on conditions that harbor vermin in the ordinance being presented on June 27, 2023.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Rollins, seconded by Junck, to direct staff to remove the 15 day prohibition on storage of operable vehicles from the ordinance being presented on June 27, 2023.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits vegetations that impede ingress or egress.

Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Beatty-Hansen acknowledged that exterior structural requirements could have a significant financial burden, emphasizing the importance of investigating financial assistance and volunteer programs. She noted that exterior structural requirements upheld the public good of maintaining the integrity of the existing housing stock. Council Member Rollins added that the requirements were also for the safety of residents.

Moved by Gartin, seconded by Rollins, to direct staff to add to the ordinance being presented on June 27, 2023, the initial proposed language on exterior structural requirements.

Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Beatty-Hansen inquired about what counted as an unsecured building and what the dangers of unsecured buildings were. Building Official Van Meeteren noted that fire was a danger in unsecured, vacant structures, a category which included buildings with any means of unsecured access, including broken windows.

Moved by Gartin, seconded by Beatty-Hansen, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits unoccupied buildings from being unsecured and allows accessory structures to remain unsecured if the primary structure is occupied.

Vote on Motion: 6-0. Motion declared carried unanimously.

Pointing out the definition of graffiti taken from the rental ordinance, Building Official Van Meeteren explained that this requirement would apply to commercial properties. Council Member Gartin noted that the consent provision meant property owners could decide they wanted to keep the graffiti, and if so, they would not be required to remove it.

Moved by Betcher, seconded by Junck, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that prohibits graffiti from remaining for longer than seven days after notification.

Vote on Motion: 5-1. Voting Aye: Betcher, Corrieri, Gartin, Junck, and Rollins. Voting Nay: Beatty-Hansen. Motion declared carried.

Discussion ensued on the topic of RV and trailer parking. Council Member Gartin stated that large RVs seem to be bypassing building code limitations. Council Member Beatty-Hansen expressed concern that limits on length would be an aesthetic standard. Council Member Rollins noted that RVs could be temporarily parked on the street, but trailers could not be. Council Member Betcher stated that it seemed odd to encourage residents to park RVs on the street rather than on their own properties.

Moved by Gartin, seconded by Corrieri, to direct staff to add to the ordinance being presented on June 27, 2023, the alternative language that allows RVs and trailers to be parked behind the front yard as long as they are on an approved surface and not used for habitation.

Vote on Motion: 5-1. Voting Aye: Betcher, Beatty-Hansen, Corrieri, Gartin, and Junck. Voting Nay: Rollins. Motion declared carried.

Moved by Gartin to ask staff to return with options for RV length restrictions and information on similar restrictions in peer cities.

Motion failed due to lack of second.

Council Member Beatty-Hansen queried whether there was interest in adding an exception to the 12” height limit on turn grasses for No-Mow May. Mayor Pro Tem Betcher suggested that the City Council could consider a temporary suspension of the ordinance for No-Mow May on a yearly basis.

Moved by Beatty-Hansen, seconded by Rollins, to direct staff to add to the ordinance being presented on June 27, 2023, the initial proposed language that prohibits turf grasses from exceeding 12” in height.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Rollins, to direct staff to add to the ordinance being presented on June 27, 2023, a process establishing an appeal board and procedures.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Beatty-Hansen, to direct staff to add to the ordinance being presented on June 27, 2023, an abatement tool that would authorize staff the choice to abate nuisances when not resolved through education and established enforcement procedures.

Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Pro Tem Betcher asked whether action was needed at this time to continue exploring options for incentives and assistance programs. City Manager Schainker noted that decisions about appropriating funds should be made during the budget process; however, staff could gather information on programs in peer cities before then.

Moved by Rollins to direct staff to examine programs providing resources for homeowners that need assistance and return with information on how they are funded.

Seconded by Gartin after Rollins accepted a friendly amendment to add “and administered” to the end of the motion.

Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Pro Tem Betcher recessed the meeting at 8:14 p.m. The meeting reconvened at 8:21 p.m.

**WORKSHOP ON AFFORDABLE HOUSING STRATEGY:** Planning and Housing Director Kelly Diekmann presented the Staff Report on housing strategy targeted to Low and Moderate Income (LMI) Housing. The report was developed in response to a specific task from the 2022 Council Goal of Valuing Diverse Housing Options. The task was to generate recommendations for LMI Housing Strategy with a focus on code impediments, standardized incentives, and property acquisition. He noted that discussions on other income groups would follow at a later date.

Director Diekmann explained that the Department of Housing and Urban Development (HUD) sets funding standards by calculating income levels as a percentage of Area Median Income (AMI). Incomes of 30% of AMI are categorized as Extremely Low Income; 50% of AMI is Very Low Income; 60% of AMI is Low Income; and 80% of AMI is considered Moderate Income. Affordability of housing is most commonly evaluated as a percentage of income used for housing costs as 30% of household income. Director Diekmann stated that staff believes the City should focus on the 30-50% or 30-60% AMI income range. Next, he noted that interventions would be necessary to support both affordable rental housing and home ownership for LMI households. On the topic of rental housing, Housing Coordinator Vanessa Baker-Latimer stated that there are numerous families using Section 8 vouchers who wanted to live in Ames but were forced to live outside of Ames due to lack of available units. Director Diekmann added that no market-rate new construction was currently affordable for ownership for LMI households.

Director Diekmann presented common code impediments related to the construction of affordable housing, discussing a number of options the City Council could take to address the obstacles. He observed that lower income households rarely have multiple vehicles, so less parking was needed for LMI developments. Recent action by the City Council made it possible to reduce parking requirements using the Planned Unit Development (PUD) zoning overlay; however, smaller projects would not be able to take advantage of that benefit.

Many different kinds of incentives can be offered for affordable housing development, noted Director Diekmann, and staff sought guidance from the City Council on what types of funding to prioritize, since incentives had different value and order of magnitude. Director Diekmann stated that prerequisites for the desired incentives should be developed as well, including financial conditions like affordability restrictions or affordability level and non-financial items like location preferences. He also pointed out that oversight for certain incentives may require hiring more City staff. Council Member Corrieri expressed interest in examining all different kinds of housing before making decisions about what incentives to offer for LMI housing.

Director Diekmann explained that the City could be more effective at promoting affordable housing development if it had property to bring to the table. This strategy would involve purchasing properties to build up a bank of land for potential developments using City funds, which offer more flexibility than federal funding. Coordinator Baker-Latimer referenced a past county program as a possible model for creating a pool of funding for property acquisition.

Considering next steps, Council Members Gartin and Corrieri expressed the difficulty of examining LMI housing separately from market-rate housing. City Manager Schainker stated that strategies for both types of housing must be developed and coordinated. He added that a report from the Ames Economic Development Commission and Chamber of Commerce Housing Taskforce would be forthcoming in the near future.

Mayor Pro Tem Betcher opened the Public Input.

Loris Olson, President of Home Allies, encouraged the City Council to focus on zoning impediments to affordable housing, sharing a recent project that stalled due to zoning challenges.

Mayor Pro Tem Betcher closed the Public Input when no one came forward to speak.

Council Member Beatty-Hansen expressed interest in reducing parking requirements for LMI housing outside of PUD zoning. Director Diekmann explained that this could be achieved by a Zoning Text Amendment. A LMI development outside of PUD zoning would request reduced parking, and the City Council would review each request and determine conditions, like a 30-year affordability requirement. He noted that this parking reduction would be targeted at sites under two acres since larger projects could use the PUD ordinance. Council Member Gartin stated his concern regarding unintended consequences of parking reductions.

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to pursue a Zoning Text Amendment to allow for the reduction of parking requirements in zoning districts outside of Planned Unit Development (PUD) zoning for low- to moderate-income housing projects. Vote on Motion: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, and Rollins. Voting Nay: Gartin. Motion declared carried.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** City Manager Schainker noted two dispositions to the City Council, both for information only. The first item was a memo from Public Works Operations Manager Justin Clausen on the Sidewalk Safety Program. A memo from City Manager Schainker about the request from the Ames Economic Development Commission for a housing taskforce was the second item.

**COUNCIL COMMENTS:** Council Member Junck stated that she had just returned from visiting Kosu City, Japan, Ames' sister city. She looked forward to sharing what she learned from the people there and welcoming a delegation from Kosu City to Ames in October 2023.

Council Member Rollins shared that the community events of the Juneteenth weekend were successful, thanking the City Council and the community for the support.

Mayor Pro Tem Betcher echoed the celebration of the Juneteenth events, observing that several individuals expressed thanks for the vote by the City Council to rename the Ames Municipal Airport to the James Herman Banning Ames Municipal Airport.

**ADJOURNMENT:** Moved by Beatty-Hansen, seconded by Corrieri, to adjourn the meeting at



9:33 p.m.

Vote on Motion: 6-0. Motion declared carried unanimously.

---

Jeramy Neefus, Principal Clerk

---

John A. Haila, Mayor

---

Renee Hall, City Clerk