

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL
AMES, IOWA **JULY 17, 2018**

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 17th day of July, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson were present. *Ex officio* Member Allie Hoskins was absent.

DISCUSSION OF CAMPUSTOWN VISION: Mayor Haila told the Council that this workshop was scheduled in accordance with the Council's goal to strengthen Downtown and Campustown, which includes an objective to encourage vibrancy in Campustown and a task to review a report by Campus and Community Commission regarding a public plaza. Planning & Housing Director Kelly Diekmann gave an overview of the staff report. He said Sub-Area planning was completed in 2005 to discuss the University Impacted Area. He also said the Campustown Urban Revitalization Plan is an in-depth program for Campustown that addresses unique interests of the area. Mr. Diekmann highlighted City projects in Campustown since 2005, emphasizing the Multi-Modal Transportation Facility on Hayward Avenue that opened in 2012.

Mayor Haila opened the meeting for public comment regarding needs, concerns, and ideas for the Campustown area.

Ms. Betcher specifically asked for input on the public space in Campustown. Ms. Beatty-Hansen said she believes the goal, as outlined in the staff report, is for the Council to provide direction on public space and Welch Avenue improvements. Ms. Betcher said the shift to a more pedestrian-oriented Campustown has come up in relation to gas stations. She said she would be interested in comments regarding a pedestrian-oriented Campustown and what that means. Mr. Diekmann said the location of a public space would be Campustown Court Park (City Lot Y). It was noted that the concept was based on input by the Commission, should be centrally located and visible, be City-owned, and available for this purpose. Mayor Haila asked about the other possible locations. Mr. Diekmann said Lot X, Fire Station #2, and Lot Z were included as options.

Campustown Community Commission member and Campustown Action Association (CAA) Director Karen Chitty told the Council that much was taken into consideration for the recommendation on location of the gathering space. She said Lot X would be too small because of the delivery vehicles, traffic, easements, and space. She said it was also the Police Department's least favorite option. She said Lot Y was chosen as the recommended site because of visibility and vicinity to the Fire Station. Ms. Chitty said it's desired that the space provide a lot of what people are looking for in a gathering space. Mayor Haila asked if it's believed the space will be used. She said yes, and referenced the Welch Avenue project where tables and benches were added, and said they are being used. She said if something is provided, she believes it will be used. Mr. Haila asked if CAA will keep the area clean. Ms. Chitty said that hinges on many things, but she believes CAA would be open to being a part of that.

Discussion ensued on parking and space. Ms. Betcher said easements reduce the space of Lot X and Lot Y. Mr. Diekmann said Lot X isn't really practical because of possible redevelopment abutting it, or elevating it, which would be difficult. Mr. Gartin said Campus would be a logical place for

a plaza. Mr. Diekmann said it would be a different amenity because of the Business District. Ms. Beatty-Hansen said the parallel parking spaces could be a buffer, and she's not convinced it's too small.

Jason Perry, 1504 Schubert Street, Ames, said he agrees with Ms. Beatty-Hansen on the size of the space with utility.

Mayor Haila asked about the traffic on Chamberlain. Mr. Diekmann said half the block of Chamberlain could be closed to vehicular traffic. He said the property just to the east has required parking and would need access. City Manager Steve Schainker said the Traffic Division would need to be a part of the discussion.

Mayor Haila asked if Fire Station #2 is a site that could be repurposed. Mr. Gartin asked how fixed the fire station is. Mr. Schainker said it is the only fire station that ISU contributed capital costs for, so ISU will have input on what happens with the station. He said another spot that provides equal response times for the campus area would have to be found. Mr. Schainker said fire administration believes that area is a good site for campus access. It was discussed that acquiring other land in that area would be difficult.

Ms. Chitty asked Mr. Diekmann to share the size of Tom Evans Plaza. She said even though the space in Campustown would be small, it's a start and another small site could possibly be added. She said there's a fair amount of traffic on Chamberlain Street. Mr. Nelson asked how much CAA and the Commission discussed the use of the plaza. Ms. Chitty said "gathering space" is her choice of words to describe the property. She said focus groups were held and flexible space, flexible seating, and a meeting space were the desired uses. She said they talked about it being treated as a park, with limitations for use.

Luke Jensen, 2518 Chamberlain Street, Ames, said Campustown is an important area, as it is the segway from the community to campus. He said there are a lot of perspectives, but he would like to ask Council and the community if it's prepared for a major investment, or something more "underwhelming." He said a substantial investment requires resources and risk and wondered if the community is ready for that. He asked the Council to consider what is already owned by the City and consider if anything can be repositioned. Mr. Jensen said his company wants to be a good neighbor in Campustown. He said safety, accessibility, and cost are their main concerns.

Ryan Jeffrey, 116 Welch Avenue, Ames, said he is part of the team working on the plaza idea. He said the Commission believes the space is too small, and would prefer a much larger area. He said Lot X may not work because of the access. He said ideas like outdoor music and a beer garden need to be considered for the space. He said there is a healthy amount of parking currently, but if it's removed he could see an issue. Mr. Jeffrey said he likes the idea of making all of Welch Avenue a pedestrian mall, but it's not very viable. He said making Welch Avenue one way could allow for some angled parking. He said Campustown is the densest area in Ames by far, and needs its own space to add vibrancy. Mr. Jeffrey reiterated the need for parking and said it's hard to convince people to come into the district even when there is parking. He said Lincoln Way could be narrowed

to gain angled parking. Mayor Haila asked about outdoor seating for food and beverage establishments. Mr. Jeffrey said he likes outdoor seating, and would like to have that option available.

Ms. Betcher asked about CyRide running its gold route every ten minutes. Mayor Haila said a lot of push-back was received about moving buses off of Welch Avenue and onto other streets.

Mr. Diekmann said Tom Evans Plaza is 80 feet wide and .4 acres compared to the proposed site of .2 acres.

Jason Perry, 1504 Schubert Street, Ames, asked about moving the fire station to Lot Z. He said that would free up traffic in an emergency.

Mr. Martin said zoning in the area prohibits new vehicle maintenance businesses. Mr. Jeffrey said eliminating cut-throughs of sidewalks would be beneficial. Ms. Beatty-Hansen said Welch Avenue cannot be pedestrian only. Ms. Beatty-Hansen said moving the fire station is a great idea but would take lot of time and resources. She said she likes the idea of proceeding with Lot Y. Mr. Nelson said land acquisition could be difficult, so working with what the City already owns would be preferable.

Ms. Betcher said students have proposed closing Chamberlain for a pedestrian mall in the past, but it's never a popular idea. She said there is now technology for creating public spaces differently.

Liz Jeffrey, 116 Welch Avenue, Ames, said she is in Campustown from 5:00 a.m. - 2:00 p.m. and semi trucks are on Welch Avenue every hour. She suggested having delivery times scheduled. She said Chamberlain Street could be closed at certain times. She discussed using scheduling and timing for different uses.

Mayor Haila discussed the vision and said the Campustown gathering space could be a start but it's such a small piece. He said he would like to see a vision beyond that. Ms. Beatty-Hansen likes the comparison to Tom Evans Plaza. She said it's small but gets a lot of use. She asked what the next steps are. Mr. Diekmann said once a location is determined, a consultant can be secured. Mr. Schainker said a report from the Traffic Division would be needed before a consultant is hired. Ms. Betcher said a recommendation from Campus and Community Commission included creating a space for pick-ups and food trucks, both of which require parking.

Moved by Beatty-Hansen, seconded by Corrieri, to request a staff report regarding traffic on Chamberlain Street and the concept of either removing parallel parking and/or closing a portion of Chamberlain Street (Fire Station #2 entrance to Welch Avenue) to vehicular traffic periodically or permanently.

Mr. Martin said he has a hard time with confining an improvement to Lot Y but likes the idea that it could later include parts of the fire station property.

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

Mr. Schainker said after staff provides the staff report, Council will discuss Welch Avenue improvements, and then a consultant for plaza design could be discussed. Mr. Gartin said he is interested in having discussions on Fire Station #2 including its condition and investment necessary to keep it up to date. He said if there's an interest in relocating it, sooner rather than later would be best. It was discussed that ISU would need to be part of the discussion. Ms. Corrieri said information is needed on relocating the station to Lot Z. Mr. Schainker said that a land swap could be a possibility. He said Lot Z could be looked at first, but parking would be lost. Mr. Gartin asked if ISU had possible land that could be used. Mr. Schainker said he didn't believe so, but he can look into it. Ms. Betcher asked about the Intermodal Facility. Mr. Schainker said the federal funds need to go toward parking because of the grant. Mr. Gartin said keeping the fire station on Welch Avenue long-term isn't good. Mr. Schainker said a new fire station is needed.

Moved by Gartin, seconded by Betcher, to direct staff to look at the possibility of relocating Fire Station #2 by looking at costs and locations of Lot Z, other ISU land in close proximity to campus, and private land in the area.

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

Mr. Schainker said the incentives given show vision. Mr. Diekmann said student housing and mixed use are given incentives currently. Mr. Schainker asked if incentives are in line with what Council would like to see. Ms. Beatty-Hansen said she would like to see a way to retain unique shops in the area.

Ann Taylor, 217 Welch Avenue, Ames, said she has been part of a business improvement committee and they have discussed setting up a program that provides lower rent or a payback when space is empty for a certain amount of time. Ms. Taylor said they are working on some partnerships with ISU and property owners. Discussion ensued regarding the challenge of mixed-use commercial.

James Wrangle, 3917 Tripp Street, Ames, said he is not clear on Council's desire to include students. He said Campustown is the bridge between ISU and Ames, and that he believes closing part of Chamberlain Street doesn't make sense. He said the flow of traffic for students is through Campustown. He said Welch Avenue as a pedestrian mall would be great. Mr. Wrangle said what he's seen seems like "patchy" development, and he is hoping for an overarching vision. He encouraged Council to reach out to the students. Mr. Gartin thanked him for his contributions and asked for guidance on reaching out to students. Mr. Wrangle suggested working through ISU, or contacting the students living in the area, since what they are looking for in Campustown will drive the area.

Discussion ensued regarding the reasons it would be difficult to close Welch Avenue to vehicular traffic.

Ryan Jeffrey, 116 Welch Avenue, Ames, said the market is distorted because of the large-scale residential buildings. He said those property owners don't care about the bottom retail space

because they are making their investment through the residential units. Mr. Jeffrey told Council if it wants retail in that space the owners will have to be pushed to recruit tenants. He said that must happen to have a lively district.

Mr. Diekmann said there is market viability for those buildings and in the correct location it can work in Ames. Mr. Gartin said Council needs to take responsibility for the empty retail since it was a requirement. Mr. Diekmann said commercial is first priority and then residential. He said it can easily take 18-24 months for the space to be absorbed completely. Ms. Betcher said Urban Revitalization Tax Abatement (URA) is designed to give incentive to high density residential, but is approaching being overbuilt. She said she would like to see vacancy rates, and if Ames is no longer needing more student rental properties, Council could stop giving incentive.

Mr. Gartin said he doesn't know if the Council has heard enough from students. Ms. Beatty-Hansen asked if a schedule is out for Campustown redesign. Municipal Engineer Tracy Warner told Council that Civil Engineer Matt Sullivan will also be working on this project. She said they have brainstormed many ideas for reaching out including meeting with Campustown Action Association, businesses, property owners, and Ames Bicycle Coalition as well as virtual meetings, website and social media, surveys, etc. Mr. Schainker said these are ways to communicate what will transpire after a decision has been made. He said there will be interim steps for public input that will be shared with Council before a decision has been made. Ms. Beatty-Hansen asked if public input has been received. Ms. Warner said public input sessions have not happened yet. Mr. Schainker said a staff report could be requested on the strategy for receiving public input about Welch Avenue improvements. Mr. Gartin asked if input would be received on the gathering space and vision. Mr. Schainker said it is all connected.

Moved by Beatty Hansen, seconded by Betcher, to request a staff report on the strategy for gathering public input on the Welch Avenue redesign.

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

Mr. Nelson asked about the restraints. Ms. Warner said conceptual measurements can be given. Mr. Nelson said he would like to see options and restraints before the public input opportunities. Mr. Diekmann said they can lay out the options and dimensions in the report. Mr. Nelson said the options would be great to have at the public input sessions. Ms. Beatty-Hansen concurred.

Moved by Nelson, seconded by Beatty-Hansen, to receive a staff report providing different options for layouts or cross sections for Welch Avenue improvements that will be shared at the public input sessions.

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

CONSENT AGENDA:

Moved by Nelson, seconded by Corrieri, to approve the following items on the Consent Agenda:

1. RESOLUTION NO. 18-611 approving contract extension with Electronic Engineering Co., for 800 MHZ Trunked Radio Equipment, Pagers, and Related Equipment and Services for Police and Fire Departments from July 1, 2018, through June 30, 2019

2. RESOLUTION NO. 18-612 approving Plat of Survey for 329 SE 5th Street
3. RESOLUTION NO. 18-613 approving Plat of Survey for 2335 and 2341-210th Street, Boone County

Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING MUNICIPAL CODE CHAPTER 18.31 PERTAINING TO OVERNIGHT PARKING IN THE CAMPUSTOWN AND DOWNTOWN BUSINESS DISTRICTS: Moved by Corrieri, seconded by Betcher, to pass on first reading an ordinance revising *Municipal Code* Chapter 18.31 pertaining to overnight parking in the Campustown and Downtown Business Districts.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Nelson, seconded by Corrieri, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4364 revising *Municipal Code* Chapter 18.31 pertaining to overnight parking in the Campustown and Downtown Business Districts.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING THE RENTAL CAP ORDINANCE REGARDING LETTERS OF COMPLIANCE FOR DUPLEXES: City Attorney Mark Lambert discussed the request by Council to revise language to clarify dwellings originally constructed as duplexes may obtain a Letter of Compliance (LOC) on one or both units, regardless of whether the 25% cap is exceeded in the neighborhood. He said the language was drafted to differentiate between the dwellings originally constructed as duplexes and the single-family dwellings that have been converted to duplexes. Ms. Betcher asked if it is clear that duplexes can no longer be constructed in Residential Low Density (RL) and Urban Core Residential Medium Density (UCRM) zones. Mr. Diekmann said the answer is very clear to the Planning and Housing Department (P&H), and the two-family homes that are pre-existing would have had to be legally established through a Zoning Board of Adjustment (ZBA) permit. Ms. Betcher asked if there's any utility in adding a date. Mr. Diekmann said a two-family dwelling had to exist in 2000 for it to be legitimate. Ms. Betcher asked if that detail should be added, or if the language is clear. Mr. Lambert said to get a building permit they would have to apply, and then staff would notify the applicant that constructing a duplex is no longer allowed. Mr. Diekmann said between the Inspections Division and P&H a building permit to construct a duplex would not be approved. Mr. Lambert said he doesn't believe a date needs to be added.

Mr. Martin asked about the term "duplex." Mr. Diekmann said in the Zoning Code they are termed "two-family homes" and on the assessor's records a home converted (after original construction) to a duplex would be called "two-family conversion." Mr. Diekmann advised referencing them the same way as the Zoning Code because it includes the dwellings that were legally converted to two-

family homes. Ms. Van Meeteren said Council needs to decide if there's value in differentiating between those that were originally built as duplexes and those legally converted. Mr. Martin said he does not see a reason to differentiate. Mr. Nelson concurred. Ms. Betcher said there have been discussions in the past about the desire for two-family homes that were converted to be returned to single family homes. She said she doesn't want to create a situation where Council is approving of the conversions, because they are sometimes problematic.

Moved by Nelson, seconded by Corrieri, to revise the language to replace "dwelling constructed as a duplex" with "current two-family dwellings."

Mayor Haila opened public input. No one wished to speak, and Mayor Haila closed public input.

Mr. Gartin asked for clarification on the motion. Mr. Nelson said he understands Ms. Betcher, but there could be other conversions this could affect, and he's afraid home values could be affected without Council understanding the total scope. Mr. Gartin asked about the number of homes this could involve. Ms. Beatty-Hansen said there could be many homes that were converted to two-family dwellings. Mayor Haila asked if any more homes could be converted. Mr. Diekmann said no, in RL and UCRM zones there are no conversions allowed as of 2000. Mr. Diekmann said the definition of "pre-existing" was cleaned up about a year ago to clarify the owner had to keep using the LOC without more than a one-year gap as a two-family rental property. It was clarified that, as the ordinance reads currently, if one unit of a duplex is currently being rented, the owner can apply for a LOC for the other unit. As the ordinance is being proposed, any duplex with neither unit rented can apply for a LOC for one or both units. Ms. Betcher asked about people living in an owner-occupied two-family conversion home getting a new LOC. Mr. Diekmann said in the capped area they cannot, but in a non-capped area they could.

Vote on Motion: 3-3. Voting Aye: Corrieri, Gartin, Nelson. Voting Nay: Beatty-Hansen, Betcher, Martin. Motion failed.

Moved by Betcher, seconded by Beatty-Hansen, to pass on first reading an ordinance revising the Rental Cap Ordinance regarding Letters of Compliance for duplexes as proposed.

Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE PERTAINING TO EXCEPTIONS AND HARDSHIPS TO RENTAL CONCENTRATION CAP: Mr. Lambert said there were three suggested changes to the proposed ordinance at the last meeting. Mr. Martin asked about the "bonafide rental" term, and said after the initial twelve months the renewal of the LOC is contingent on the property being used as a bonafide rental property. He asked about a situation involving a two bedroom house renting one room, and whether that would qualify as a bonafide rental. Ms. Van Meeteren said an owner can have a roomer and not be a registered rental property. Ms. Betcher asked if the City would issue a LOC to someone with a roomer. Ms. Van Meeteren said yes, if the owner desires to come under the Rental Code, they could apply for a LOC, bring the home up to Code, and after one year it could be verified that the property is being used as a bonafide rental property.

Moved by Martin, seconded by Beatty-Hansen, to amend the ordinance to make it more clear for the situation of a property with one roomer willing to come under the Rental Code.

Mayor Haila asked if the property could remain a rental if the owner of that property moved out of the property but still owned it. Ms. Van Meeteren said yes. It was clarified that in the suggested situation given by Mr. Martin, an approved LOC would no longer be valid if the property is transferred. Council agreed to discuss this motion later.

Mr. Gartin said Council is making it so that a property receiving a LOC under an exception would not be able to continue the LOC after the property is sold. He said legally Council would want to treat similar parties the same way, and since the LOC would be lost on transfer, he asked if that would be a concern under the Equal Protection Clause. Mr. Lambert said he does not believe so because this is an exception where the City is approving the LOC, but it is made clear by the ordinance it is ownership-limited. He said the level of scrutiny courts would use in a situation like this would likely be the Rational Basis Test, because a particular owner is given an exception with the limit that it goes away with a transfer. In this situation, the City has a rational basis for the distinction.

Ms. Corrieri asked about the exceptions allowing the LOC to transfer. It was discussed that a LOC can transfer only in the Property Sale Hardship Exception. Mr. Gartin asked if it would make sense to call one a limited LOC for clarification. Mr. Lambert said that would work as a way to indicate it's a different LOC under the Rental Concentration Cap (RCC), but he said under the Equal Protection Clause a different term would not be necessary. Mr. Gartin asked about the definition of "transfer of ownership." He discussed situations such as a single person that marries and wants to add the spouse to title. Mr. Lambert said that would constitute a transfer, but with the language "not transferrable to a new owner", he believes that is fine as long as the original owner is still on the title. Mr. Gartin said people could get clever in transferring property, being careful not to remove a particular name, even if the ownership interest drops to 1%. Mr. Gartin said he is concerned properties could be obtained by a Limited Liability Company (LLC). Mr. Diekmann said a LLC cannot take ownership of the LOC because that would be a transfer of ownership. Ms. Corrieri asked about the death of an owner. Mr. Lambert said that would be a transfer of ownership.

Mr. Lambert reviewed requested change to the language in Section 13.300(11)(a), paragraph (i) regarding "abutting side."

Mayor Haila opened public input for this item. No one came forward to speak, and the Mayor closed public input.

Moved by Beatty-Hansen, seconded by Betcher, to approve the wording change under Section 13.300(11)(a), paragraph (i) stating "An abutting side is any length of a property line that is 20 feet in length or greater" to amend the ordinance.

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

Mr. Lambert described the proposed change as requested by Council under Section 13.300(10)(a)

paragraph (i), that “the property owner had obtained, on or after October 28, 2016 and prior to October 27, 2017, a building, electrical, plumbing or mechanical permit which would indicate an intent to convert the property to a rental property.”

Mayor Haila opened public input for this item. No one came forward to speak, and the Mayor closed public input.

Moved by Beatty-Hansen, seconded by Nelson, to approve the wording change as proposed.

Mr. Gartin asked about potential number of properties this could affect. Ms. Van Meeteren said about 50 properties received permits during this time, but the intent of an owner to make their properties rental properties is unknown. Ms. Betcher said that is a high number, and it is ambiguous to try to determine intent of the owners. Ms. Beatty-Hansen said it couldn't be that many properties. Mr. Martin said he understands that Ms. Betcher doesn't like the building permit exception but that's not up for vote.

Mayor Haila made an exception and reopened public input.

John Pleasants, 516 Lynn Avenue, Ames, said his understanding of the role of this exception was to help a property owner who does not live in the property and is not renting it out while doing construction to make it a rental property. He said of the 52 possible scenarios, there are about seven of which the exception could affect. He said this exception would take a lot of staff time to benefit only a few people.

Mayor Haila left public input open to allow the items to be discussed together.

Mr. Gartin asked Ms. Van Meeteren if she has a response regarding staff time and number of potentially affected properties. She said it is sometimes hard to tell if these permitted owners intend to make a property a rental property. Mr. Schainker asked what the recourse is if she denies the exception. Ms. Van Meeteren said the owner could appeal to the City Council. It was discussed that it is difficult to determine if a rental property is illegal.

Motion was withdrawn by Beatty-Hansen.

Mr. Lambert reviewed the proposed change to Section 13.300(10) making the LOC under this exception not transferable to a new owner upon the sale or transfer of ownership of the property.

Mr. Nelson said if a LOC is obtained, the owner cannot die. He said he doesn't like that the property cannot be transferred due to a court order.

Joanne Pfeiffer, 3318 Morningside Street, Ames, said after reading the latest news, she worries about the quality of life in unbalanced neighborhoods. She said she sees a connection between unstable neighborhood occupancies and assaults. She said she is in favor of limiting the transfer of LOC's. She asked the Council to vote in favor of ordinances that make LOC's non-transferrable.

Ken Platt, 3620 Woodland Street, Ames, said there is a lot of confusion and uncertainty. He said Ames already has a good rental cap ordinance, which will help balance and stabilize the neighborhoods and has provisions to mitigate financial hardships. Mr. Platt suggested Section 10 be eliminated. He said he feels by keeping it, the City spends too much time helping a few people make more money. He said Section 10 increases the number of rental properties in near campus areas.

Sandra McJimsey, 2236 Storm Street, Ames, would like to support the new wording. She said it upholds the purpose and intent of the RCC and has the potential to move toward the ultimate goal of converting some rental properties back. She said she likes Mr. Gartin's comment on calling it a limited LOC.

John Pleasants, 516 Lynn Avenue, Ames, said he is in favor of the changes as proposed.

Tam Lorenz, 311 S. Maple Avenue, Ames said her support for exceptions have been in support of her neighbors and not for the future economic well-being of landlords. She asked the Council not to make LOC's transferrable.

Wes Wierson, 3109 Story Street, Ames, said he is against added language because it's only for those qualifying for the exception, and not for everyone in the hardship clause. He said he's unsure how the total percentage of rentals will fall when current owners can keep their LOC forever. Ms. Van Meeteren said anyone would be eligible for the property sale hardship, but at the point you want to sell a property, it would need to be a rental property.

Mayor Haila closed public input.

Moved by Beatty-Hansen, seconded by Corrieri, to amend the ordinance, and adopt language under Section 13.300(10)(a) paragraph (i) stating "the property owner had obtained, on or after October 28, 2016 and prior to October 27, 2017, a building, electrical, plumbing or mechanical permit which would indicate an intent to convert the property to a rental property."

Vote on Motion: 4-2. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Martin. Voting Nay: Betcher, Nelson. Motion carried.

Moved by Beatty-Hansen, seconded by Betcher, to amend the ordinance under Section 13.300(10) (first paragraph) stating "A Letter of Compliance obtained under this exception is not transferable to a new owner upon the sale or transfer of ownership of the property."

Mr. Gartin said he believes there will be challenges with this. He said he is supporting the motion, but not due to any concern of potential assaults as relayed by Ms. Pfeiffer.

Vote on Motion: 4-2. Voting Aye: Beatty-Hansen, Betcher, Gartin, Martin. Voting Nay: Corrieri, Nelson. Motion carried.

Moved by Martin, seconded by Beatty-Hansen, to ask staff to draw up revisions to the ordinance around the language of the “bonafide rental” term to clarify as long as the property is being rented it qualifies for renewal of the LOC even if a LOC isn’t required based on the owner occupied definition in the Rental Code.

Mr. Gartin asked Ms. Van Meeteren if this makes it easier or harder in terms of enforcement. She said this provides clarification, and it could be that they take out “bonafide” and add “exchange of rent.” Mr. Martin said Council wanted to prevent someone from getting a LOC and holding onto it forever while providing some certainty to the neighborhood. In this case, the owner must use the LOC. It was discussed the owner could move out and continue to own the home as a rental property. Ms. Betcher wondered if this is opening the door too wide. Mr. Martin said if an owner is renting to one person, it should be considered a legitimate rental. Ms. Betcher asked if the landlord would be subject to a rental inspection. Mr. Martin said the owner is applying for an exception, because of fear the LOC will be taken away at the end of 12 months because one roomer doesn’t count as an actual rental. Ms. Beatty-Hansen asked if Council can proceed with second reading. Mr. Lambert said this amended language can be approved at the third reading.

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

Mr. Martin encouraged the group to look at the two types of exceptions and whether or not they are consistent. He asked if both should be kept, or if one assumes all characteristics of the other. Ms. Beatty-Hansen said one concerns an immediate exception and one is a future exception. Mr. Gartin asked what Mr. Martin would like to see. Mr. Martin said he would like to see the Property Sale Hardship Exception only. Mr. Gartin said he thinks they are two separate situations.

Moved by Beatty-Hansen, seconded by Gartin, to pass on second reading an ordinance, as amended, pertaining to exceptions and hardships to the Rental Concentration Cap.

Roll Call Vote: 3-3. Voting Aye: Beatty-Hansen, Betcher, Gartin. Voting Nay: Corrieri, Martin, Nelson. Motion declared failed.

Ms. Corrieri said she does not support it because of the non-transferability due to death or court order.

The meeting recessed at 9:29 p.m. and reconvened at 9:34 p.m.

Mr. Lambert told the Council, according to Robert’s Rules of Order, at this point in the meeting a motion can be made to reconsider. He said the motion has to be made by someone on the prevailing side and can be seconded by anyone. He said an amendment can be made if the Council chooses.

Mr. Gartin asked what happens if the ordinance is not reconsidered. Mr. Lambert said the ordinance would start over at a future date beginning with first reading.

Moved by Corrieri, seconded by Beatty-Hansen, to reconsider the exceptions and hardships to the Rental Concentration Cap.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Mr. Martin said there are a few situations, such as dissolution of marriage and death, that should be considered.

Moved by Beatty-Hansen, seconded by Corrieri, to amend the ordinance under Section 13.300(10) (first paragraph) to read that “A Letter of Compliance obtained under this exception is not transferable to a new owner upon the sale of the property.”

Ms. Betcher asked about the window of opportunity for this exception. Ms. Van Meeteren said the window is until September 1, 2018, then the property must be compliant within six months, and be an active rental property within twelve months. Ms. Betcher said she wonders about limiting the transferability to situations of forced transfer because of legal reasons. Mr. Gartin said if an executor sells a property during probate of an estate, that is a sale.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Martin, Nelson. Voting Nay: Betcher. Motion declared carried.

Moved by Beatty-Hansen, seconded by Gartin, to pass on second reading an ordinance, as amended, pertaining to exceptions and hardships to the Rental Concentration Cap.

Roll Call Vote: 4-2. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Nay: Betcher, Martin. Motion declared carried.

COUNCIL COMMENTS:

Ms. Beatty-Hansen said a map for citizens showing where RAGBRAI events will be held is available at www.amesRAGBRAI.com. She also said there is still time to volunteer.

Mr. Gartin commented that Iowa Games begin this weekend, and volunteers are always needed.

Ms. Betcher thanked Ames Tribune Staff Writer Austin Cannon for covering the meeting. She also said she hopes people experience RAGBRAI.

Mayor Haila thanked Mr. Cannon for his work and wished him well at The Des Moines Register.

ADJOURNMENT:

Moved by Beatty-Hansen to adjourn the meeting at 9:52 p.m.