

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 17, 2013

Mayor Ann Campbell called the Special Meeting of the Ames City Council to order at 7:00 p.m. with Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha present. *Ex officio* Member Alexandria Harvey was also present.

REQUEST FROM FRATERNITIES AND SORORITIES FOR EXEMPTION FROM AMES RENTAL HOUSING CODE:

Mayor Campbell welcomed members of the Greek Community to the meeting. She announced that the occupancy level of the City Council Chambers was at capacity; however, Conference Rooms 135 and 235 had been set up for the overflow of attendees. Ms. Campbell pointed out that City Manager Steve Schainker, Fire Chief Shawn Bayouth, and Building Official Seanna Perkins were present. This meeting was a workshop scheduled to receive more information on the request from fraternities and sororities for exemption from the Ames Rental Housing Code. No action would be taken by the City Council at this meeting.

Stephen (Steve) Jones, President of the Greek Alumni Alliance and President of the Delta Tau Delta House Corporation, advised that information-sharing concerning the Ames Rental Housing Code began in February 2013. Greek Housing principles were devised and provided to the City staff in August 2013. Mr. Jones explained that the Greek Alumni Alliance was formed approximately seven years ago; however, some of the Greek Community has been around for over a hundred years. According to Mr. Jones, Greek Housing has been a viable student housing community on Campus for a long time; they do consider themselves as a University-affiliated option for students. Mr. Jones said that, for the most part, the Greek Community acts as a corporation - they operate as a business, pay property taxes, and have liability insurance to pay.

It was reported by Mr. Jones that all of the fraternities and sororities were in existence when the sprinklering ordinance was enacted, and most of them are in compliance (four facilities have not completely complied). Speaking for the Greek Community, Mr. Jones said that most of them felt that was the right thing to do from a life-safety standpoint. Many of the facilities made other improvements at the same time at fairly sizeable financial investments.

Mr. Jones pointed out that there are a lot of Building Code-related issues in the Rental Housing Code as well as the life-safety requirements, e.g., annual inspections by the Fire Department. Speaking for the Greek Community at large, Mr. Jones said they do not have any issues with the life-safety requirements of the Code. Most of the facilities are required to do those things by their insurance underwriters.

According to Mr. Jones, for the most part, Greek facilities are member-owned by the Fraternity or Sorority Alumni Members. Most of the Greek Houses rent only to members of their specific undergraduate chapters; they are not open to the student community at large to rent a room during the main academic year. Mr. Jones believes that distinguishes the Greek Houses from other rental options in the community. The House Corporations are non-profits. The number of persons living in the Greek Houses has to number enough to generate sufficient cash flow to operate and maintain the facility.

Janelle Jacobson, Sigma Kappa, said that her House is very open to the life-safety issues, but is concerned about what financial impacts additional changes would make on her facility.

Jon Fleming, Theta Chi Corporation Board, said that the Greek Community is managed by Corporation Boards. They only allow members to live in the facilities. The fire safety issues are different for the Greek Houses than they are for rental properties. Mr. Fleming said he believed that the Greek facilities should be treated differently than other rental properties in Ames. The Greek Community has taken a very strong stand in regards to fire safety. He noted that the City Council, by its own actions, had put Greek Houses in a different category than rental properties. Mr. Fleming referenced the Uniform Resident and Tenant Act of the State of Iowa, which excludes Greek facilities. In Mr. Fleming's opinion, based on that Act alone, Greek Houses should be considered differently than rental properties in Ames.

Mr. Fleming said he could assure the City Council that, if the rules and regulations of *Municipal Code* Chapter 13 were applied to Greek Houses, they would present extraordinary challenges financially and physically for the Greek Houses. He alleged that, if they are applied, many of the Greek Chapters would have to close.

Jami Hagemeyer, Corporation House President for Pi Beta Phi, stated that, in addition to the annual fire inspections, the fire sprinkler system, back-flow, all fire extinguishers, fire alarm system, and smoke detectors are checked every year. The facility's boiler and stove hoods are inspected annually. Ms. Hagemeyer believes that is different for rental properties. She said that they work very hard to ensure that the rent is kept affordable for the students living in the sorority while being able to maintain the facility. Most of the students living in the House receive financial aid, are paying their own way through college, and have jobs.

It was stated by Ms. Hagemeyer that Greek Houses were built differently from other structures in Ames. They have cold-air dorms, large bathrooms with many shower stalls and private toilet areas, and limited parking. She said those are only a few of the items that would cause Greek Houses financial difficulties to restructure. If they could not comply, they would have to limit the number of tenants who would share the financial burden of maintaining the Houses.

Council Member Davis asked the Fire Chief to provide the history of this issue to date. Fire Chief Shawn Bayouth advised that he became the Fire Chief in August 2013. Shortly thereafter, it was brought to his attention that the Rental Code stated that Greek Houses were to be inspected. He raised that issue with City Manager Schainker, and subsequently, to the City Council to address it. A meeting with various members of the Greek Community was held to discuss the possibility of this round-table workshop. According to Chief Bayouth, that requirement had been contained in the Rental Code for over five years, but was actually an oversight on the part of the Fire Department to not be conducting Rental Code inspections over those years. He noted that fire safety inspections had been conducted at the Greek Houses annually; however, rental inspections had not been.

Council Member Goodman noted that the City Council had learned from a past *ex officio* Council Member that Greek Houses operate as rental housing during the summer months. He asked Chief Bayouth if there were other pieces of Chapter 13 that are life-safety issues that need to be complied with by anyone who is providing rooms.

Brian Clark, Corporation Board Treasurer for Beta Sigma Psi, 2132 Sunset, Ames, offered that the difference between fraternities and apartments is that the fraternities have sprinklers. The fraternity at 2132 Sunset does rent some rooms to sorority members during the summer; the fraternity has a sprinkler system, which most apartments do not.

Chief Bayouth addressed Mr. Goodman's question by stating that there are some specific items contained in Chapter 13 that are life-safety issues, e.g., fire alarms, fire extinguishers.

Jon Fleming advised that none of the sororities rent out rooms in the summer. Not every fraternity rents out rooms in the summer, and most are very selective as to whom they rent to in the summer, e.g., those who have rented from a Greek House before.

Mr. Jones agreed that many - he thought close to 100% - of the fraternities only rent to members of their own Chapters during the summer. He also commented that all the life-safety features, e.g., fire alarms, remain in place during the summer; they don't turn anything off after the regular academic year ends.

Council Member Wacha asked if any of the Council members who were in office five years ago knew why Greek Houses were added to the Rental Code (Chapter 13). Council Member Larson said he did not know why that happened five years ago. He did not believe any of the Council even knew that it had been added. Mr. Larson said he personally thought this was something that was done unintentionally.

Council Member Orazem inquired about the distinction between the requirements of the Rental Code and *Iowa Code* Chapter 562A (5.3) [Uniform Residential Landlord and Tenant Act]. Dr. Fleming read an excerpt from *Iowa Code* Section 562, stating, "excludes facilities for occupancy operated by fraternal or social organizations for the benefit of the members." Mr. Orazem asked what was covered under the umbrella for that particular Section.

Council Member Goodman reiterated that Council did not intend for Greek Houses to be added to Chapter 13; it was a piece that was found in the past year. He said that he stood by the idea that the members want safe places to live and that is important; however, review of the Rental Code really came from some landlords who wanted to clarify the expectations for them. Mr. Goodman recalled that the review of Chapter 13 took a long time, and this was just a disappointing piece of the process, which he wished could have been caught earlier.

Steve Jones stated "with 100% certainty" that, when Building Permits were applied for pertaining to the sprinkler projects, other Codes updates had to be done.

Janelle Jacobson advised that her sorority shuts down in the summertime; that is when maintenance projects are done. Building maintenance is a high priority for Sigma Kappa. She noted that her sorority always uses Ames contractors as they know the Codes and are licensed.

Jami Hagemeyer (Pi Beta Phi) advised that maintenance is a high priority for her sorority as well. They use only Ames contractors, and they keep their facility well-maintained. Pi Beta Phi also shuts down every summer.

Jon Fleming stated that the Corporation Boards are very intensely involved in the Chapter Houses' operations and physical structures and very sensitive to the safety of their members.

Council Member Larson shared that he had received information today that the Ames Rental Housing Association is supportive of exempting fraternities and sororities.

Ex officio Council Member Alexandria Harvey, referencing the statements made by House Corporation Presidents that a small percentage of fraternities who rent out rooms in the summer, asked if there was a mechanism in place for members to report safety concerns. Dr. Fleming replied that Theta Chi has officers and a House Director who live in the House during the summer. In addition, every summer tenant has his phone number in case there are issues. Mr. Jones stated that they have a similar arrangement.

Shawn Yockey, Sigma Phi Epsilon Corporation Board, advised that Sigma Phi Epsilon had recently undergone renovations, installing sprinklers and bringing other areas up to Code. In its renovation, they had also applied for Historical Society status and had gotten state and federal approval. However, due to that designation, they were not allowed to change certain things in the House. In reading the Code, he noticed that many of renovations would be in conflict with the historic designation regulations.

City Attorney Parks arrived after attending another City-related meeting in Des Moines. Responding to the question raised concerning the Uniform Residential Landlord and Tenant law and how it would coincide with the Ames Rental Code, Ms. Parks stated that the Residential Landlord and Tenant law is actually a state law that applies and regulates the relationship between private entities and tenants by setting what may be included in agreements between them. It does not deal, except in the most superficial way, with what kind of housing requirements need be in a particular dwelling unit. Ms. Parks advised that it would not affect the Ames Rental Code.

Council Member Orazem raised a question about University-affiliated Greek housing versus the residential system that is actually managed by the University. More specifically, he wanted to know if the dorm system and apartment buildings are regulated by the same requirements. City Attorney Parks answered that the University-owned system is not under any City regulations; they are internally regulated, except that the state regulates the fire-safety issues. The City has no authority to impose regulations. Ms. Parks further stated that Greek Houses are not regulated by the state; therefore, the City is allowed to impose its own regulations. Mr. Jones added that all the Chapters are chartered by the University as student organizations. They are also recognized by the University as a housing option for students. Ms. Hagemeyer noted that there is a judicial process in place for Greek chapters to be held accountable.

Council Member Szopinski referenced a Council Action Form from December 1, 2012, that stated that the City's Rental Housing Inspectors had accompanied the Fire Inspector on some inspections and did not note any violations. She asked if that would be the case for all sororities and fraternities. Ms. Szopinski felt it would be desirable to have an inventory of how the Greek Houses meet or do not meet the Rental Housing Code. Mayor Campbell asked what would be done with that information once it was received. Council Member Larson acknowledged that he also serves as an advisor and on the Corporation Board for Delta Upsilon fraternity and said that, as a general rule, the Fire Inspector points out issues other than those that just pertain to fire safety that he feels need to be corrected when he does the annual fire inspection. Mr. Jones stated his belief that 100% of the Greek Houses correct all violations noted by the Fire Inspector.

Jon Fleming said that he had read Chapter 13, and he is fairly certain that none of the Chapters would be compliant with all the requirements of Chapter 13. He cited specifically the parking and bathroom requirements and cold-air sleeping rooms that would not comply.

Holdon Asmus commented about certain requirements of Chapter 13, specifically, peeling paint and parking. He does not believe lead paint is an issue anymore; however, peeling paint and other aesthetic issues get assigned to the House Operations Manager. Mr. Asmus also addressed the need for parking places, reporting that some fraternities, including his, work with local churches near the Greek Community to share their parking lots. He said that there is no practical way for his fraternity to provide 87 parking spaces without purchasing more land. Addressing cold-air dorms, Mr. Asmus advised that each area has a door with the names of the students who are sleeping in that area. He felt that fire fighters would be able to account for those people by looking at the names of persons listed on the doors.

The Chapter Advisor for Phi Kappa Alpha (name unknown) spoke. He stated that he was also a pediatrician, and addressing cold-air sleeping rooms, said that the germs from exhaling, sneezing, or coughing do not survive well in cold temperatures where there is open ventilation. He reported that without the cold-air dorms, more sickness would occur.

Hillary Kletcher, Vice-President of the Government of Student Body and a member of the Alpha Gamma Delta, described the sense of family that exists in Chapter facilities. She also said that she enjoys “cold-airs.”

Rachel Rolling, Facilities Manager for Kappa Alpha, said that one of the things that Greek facilities have that most apartment buildings do not have accessibility to a Manager on site. She said that they also have House parents and Directors that live in the House.

Kendra Coleman, a member of Alpha Chi Omega, pointed out that every House has a House Mom where members can take any issues and have them resolved right away. She also noted the sense of family that exists in Greek Houses.

Khayree Fitten, Government of the Student Body Senator for the Inter-Fraternity Council (IFC), said that he would like more discussion about the Houses that do rent during the summer months to non-members of the Greek Community and/or their Chapters. He asked specifically to know how the implementation of the Rental Code would impact the non-Greek members living in Greek Houses during the summer.

Brian Clark outlined the difference between the non-profit Corporation Boards and the rental housing market in which they compete against.

Matt Dohrmann, Vice-President of Council Operations for the IFC, reported that a survey had been done last spring of the Greek Houses and found that 11 Chapters rent out rooms during the summer months. He felt that was a small number compared to the total number of Greek Houses.

Ben Freese, President of the Inter-Fraternity Council, touched on the student experience when belonging to a fraternity/sorority. He advised that there are approximately 3,600 students who are members of Greek Chapters. Mr. Freese said that if the Rental Code were enforced for the

Greek Chapters, it would make it too expensive for the Chapters to operate and would deny a home for those 3,600 students and future students.

Nick Rostermundt stated that he applied for regular student housing and was denied. He not only found housing in a fraternity, but also found a “family.” If Greek Houses were required to

comply with the Rental Code, many would have to close and students would not be able to establish those relationships.

Nathaniel (last name unknown), Secretary and Web Master for Phi Kappa Theta Corporation Board, asked the City Council to strongly consider exempting Greek Houses from rental inspections. He felt that Greek Houses already address life-safety issues.

Steve Jones cited his opinion that the problem is the large disconnect between Chapter 13 and the way organizations are currently structured and organized. He asked the Council to consider requiring Greek Houses to comply with the life-safety requirements, but waive the Chapter 13 requirements. Mr. Jones noted that many of the Greek Houses are governed by an historic overlay zoning requirement, so if they were to make any changes, they would have to go before the City's Planning and Zoning Commission.

Jon Fleming said he firmly believes living in a Greek House is different than living in an apartment and Chapter 13 should not pertain to Greek Houses. He urged the Council to find that same logic.

Janelle Jacobson reported that she had been volunteering for 25 years with the Sigma Kappa House Chapter. She hopes that the City would continue to work with the Greek Houses to give them time to learn what they have to do. She suggested that the Greek Houses be surveyed. Ms. Jacobson also recommended that Ames follow the same type of requirements for Greek Houses as the University of Northern Iowa and University of Iowa and other Big 12 schools.

Council Member Orazem said he felt it was important to note that self-managed Houses are different than the traditional landlord/tenant arrangement where someone owns the property and leases to tenants.

Mayor Campbell explained that no decision would be made by the City Council on this topic at this workshop; it was a time to receive input only. The procedure is that any Council member could provide direction to staff during "Council Comments" at a future City Council meeting. If such a motion would pass, the item would be placed on a future Agenda, and public input would be received before the Council makes its decision.

COUNCIL COMMENTS: Moved by Szopinski, seconded by Goodman, to refer to staff the request from the ISU Research Park Corporation for staff to initiate an Urban Fringe amendment to allow for future expansion of the Park.

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

ADJOURNMENT: Moved by Davis, to adjourn the meeting at 8:27 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor