

Meeting Minutes

Building Board of Appeals

February 13, 2018

The Rapid City Building Board met on February 13th, 2017. The following members were present: David Asbridge, Michele Seaman, Myron Tatum, and Steve Struble.

Staff Present: Ken Young, Brad Solon, Carla Cushman, & Serenna Zeisler

Others Present: Dave Eccleston & Jim Steele

Meeting opened at 7:31

1. Set Agenda

Asbridge added an item to the agenda to be called 4a, expiration dates on members of the board, Struble made a motion to set the agenda, seconded by Seaman, motion passed 4-0.

2. Ordinance No. 6225-An Ordinance to Amend Provisions Concerning Appeals to the Building Board of Appeals by Amending Sections 15.04.120 and 15.04.130 of the Rapid City Municipal Code.

Cushman began by explaining to the board members how this proposed ordinance came about, and how they were initiated by the Mayor and Jim Steele. Cushman also added they moved it to City Council and they rejected it so they made some revisions to it and would like to see if they can be approved. The changes are as follows; currently a person that does not agree with Brad's decision on revocation of a contractor license can appeal his decision to the building board and also to City Council. The new ordinance states that the person could not appeal Brad's decision to the board or to City Council. Asbridge asked Cushman to explain all of the changes. Cushman went on to explain each change and the exact verbiage in which they read. Asbridge asked if there was anyone that would like to comment on the ordinance changes to do so. James Steel introduced himself and stated his home address is 2927 Evergreen Drive. Steel explained his situation on how a few years ago his contractor license was revoked by this board due to a complaint received by a disgruntled homeowner. Steele went on to state how he felt very unfairly treated and how politics played a big role in the outcome of his license revocation. Asbridge interrupted Steel and stated he would like to hear comment on the ordinance change only not on past appeals situations that the board has previously heard. Steel stated he would like to see something go through Building Official Brad Solon first, and not the power be given to strip someone's livelihood in the hands of 5 Building Board members.

Ken Young, Community Development Director introduced himself and commented that it is best to look at situations where the contractor himself has a negative situation than the responsibility is to Brad to make the decision and not for the homeowner to be able to appeal Brad's decision to the Building Board. Young stated that these practices are used in other cities and work best and he would like to see these particular Ordinances approved and moved forward. Asbridge stated the original intent of the board was to deal with code violations and

the board is not equipped to be judge and jury and Building Official, Brad Solon's purpose and position is to have the ability to make a decision on revoking a contractor's license. Asbridge stated that the new Ordinances are a positive move in the right direction. Struble commented that typically if there is a code violation or citizens having problems with a contractor it starts with Brad Solon and the Building Department. Cushman explained that the purpose of the Ordinance changes is to eliminate a homeowner being able to appeal to the Board Brad's decision on suspending or taking away a contractor's license. Asbridge stated he has never been comfortable with taking a contractor's license away from them and that the Building Board is not the place to hear those types of disputes. Steele explained the process of how he was supposed to get his license back and how unfairly he felt he was treated compared to how other Roofing Contractors were doing roof installs in the City. Asbridge replied it is determined that when it was brought to them that there was a code violation. Seaman commented that they didn't seek him out and that the issue was brought to them as a Board. Seaman also agreed with Asbridge and Young that this new Ordinance is a great move in the right direction. Tatum agreed that they did not seek him out that the homeowner/customer brought the appeal to the Building Board. Struble asked Cushman clarification of the ordinance. Cushman replied appeals to Solons decision that have to do with code only, can be brought to the Board, but not license appeals. Discussion continued. Young stated the real difference here is code violations vs. license appeals and that the board only will hear code violation appeals. Solon explained how the situations can come about, and what the Ordinance is trying to prevent is if there are disputes between homeowner/contractor and that they cannot bring their arguments before the Board. Discussion continued.

Struble made a motion to approve the ordinance changes, seconded by Tatum, motion passed 4-0.

3. Discussion Item on Mechanical Continuing Education Hours, Brought Forward by Dave Eccleston

Dave Eccleston introduced himself and stated his address 3409 Lynnwood Avenue, Rapid City, SD. Eccleston stated he does not gain anything from bringing this to the Board. Eccleston continued by stating he does not feel that 6 hours per license period is an adequate amount for Mechanical Contractors. Seaman stated she has mixed feelings on the topic, and there is an argument for both sides. Tatum stated it is a big expense as it is for business's to send their guys to six continuing education hours per license period. Solon explained that the city holds classes every year for continuing education. Discussion continued.

Continued and Tabled

4. Discussion Item on International Codes

Solon explained that he would like to see the City adopt the 2018 Codes. Solon stated if the Governor signs the adoption of the new code by mid March he would like to be able to present them to the Board by April or May's BBOA Meeting. Cushman stated it is the Building Code, and the Property Maintenance Code. Solon added he would like to also adopt the satellite codes as

well, for example the Mechanical Code. Solon stated the 2017 Electrical Code was updated last July. Solon stated that the updated codes would include the Building, Residential, Mechanical, and the Property Maintenance Codes.

Tatum made a motion to move the drafted ordinances, seconded by Seaman, motion passed 4-0.

4a. Solon stated the two Building, Building Board members and the two Mechanical Building Board members as well as their alternates are up for expiration on March 1st of this year. Solon stated to fill out an application at the Mayor's office for reappointment if they are interested in serving another three year term.

5. Approval of the December 12th 2017 BBOA Meeting Minutes.

Seaman made a motion to approve the meeting minutes, seconded by Struble, motion passed 4-0.

6. Adjourned