Meeting Minutes  
Building Board of Appeals  
August 14th, 2018

The Rapid City Building Board met on August 14th, 2018. The following members were present: David Asbridge, Myron Tatum, Steve Struble, and Andy Mitchell.

Staff Present: Chuck Janson, Jeff Larus, Matt Schumacher, Lon Schnittgrund, Kinsley Groote, Nick Allendar, Clayton McClain, and Serenna Zeisler.

Others Present: Joe Pekron

Meeting opened at 7:31

1. Set Agenda

   Asbridge made a motion to set the agenda, seconded by Struble, motion passed 4-0.

2. Proposed 2018 IPMC, Ord. No. 6264

   Schnittgrund explained Chapter 7, and the fire safety requirements, and the language changes and that a lot of the Chapter is already handled by the Fire Department. Schnittgrund stated, 703 & 704 are mainly handled by the Fire Department. Schnittgrund went on to explain that basically anything that is already taken care of by the Fire Department is being eliminated in Chapter 7. Asbridge asked how an existing structure is brought back up to code that is damaged by a fire. Schnittgrund replied the building department is the department that goes out to inspect the property and it is the owner or neighbor that comes into our office to fill out the complaint and consent form, which allows the City inspectors to enter the property to inspect if things are up to code or not. Schnittgrund stated the code adoptions have to do with life safety issues. Struble asked who makes the complaint. Schnittgrund replied that it could be the owner, the tenant, or a neighbor.

   Struble made a motion of recommendation to pass the 2018 IPMC as written to City Council, seconded by Tatum, motion passed 4-0.


   Asbridge asked Larus if there were any significant changes from the 2012 to the 2018. Larus stated that nothing significantly changed in the IFGC, except raising the pitch of the roof to 6’12 and guardrails. Larus explained that the IFGC is a reprint of the American Gas Association and the American Gas Association has allowed the ICC to also use it as long as it is a standalone book. Larus stated the City adopts everything except Chapter 4 and that is due to Rapid City having its own Gas Piping, Ord. No. 15.20. Discussion continued. Tatum asked how this is presented to contractors. Larus replied that the City will host a meeting/presentation after the
Board passes it and before it is heard and voted on by the City Council and that there are notifications sent out with date, time, place, and what we will be going over in the meeting.

**Tatum made a motion to pass the 2018 IFGC as written to City Council, seconded by Mitchell, motion passed 4-0.**

Larus explained that he is in communication with the ICC to host an educational seminar to go over the changes from the 2012 to the 2018 IMC & IFGC. Tatum agreed that it would be a helpful seminar for the City to host. Larus explained the changes are to the rooftop units and raising the slope and that they used to allow for a range to be in break rooms but now they have a high end heat producing limited range that doesn’t get hot enough to ignite anything so break rooms/community rooms can now have those, instead of having to be fire sprinkled if they had a four burner range. Larus stated that also added is duct detectors and that they don’t have to be added in the duct work if you have a fully sprinkled monitored system in a building. Discussion continued.

**Tatum made a motion to pass the 2018 IMC as written to City Council, seconded by Mitchell, motion passed 4-0.**

**4. Proposed IRC**

Janson asked if there were any questions by the Board as the proposed codes had been able to be viewed for the last 2 months. Janson stated the only thing that hadn’t been addressed was the fire prevention of the floor systems and that it is required to sheetrock the ceilings for fire protection. Janson explained that the other significant change is that roofing affidavits are only for homeowners to use when they are re-roofing their own home on the weekends and not for the roofing contractors to use at any time. Janson explained that there are some roofing contractors that are abusing the roofing affidavit in that they are bringing in stacks of them at 90 at a time and that it has gotten to be out of hand, and has become common practice for some of them. Asbridge asked if this would also go to public meeting, and Janson replied yes. Janson stated we require a soils report now and the wording is now changed that the soils report must be done by a professional expert in soils analysis and not just a civil engineer doing it, and it must be a person trained and familiar with soils analysis. Asbridge asked how long it will be until the City will hold the public meeting. Zeisler replied within a couple weeks to a month her and Brad will book a room to hold the meeting and get the flyers and postcards out to notify the contractors and the public. Asbridge asked that it doesn’t go to first reading to council until after the public meeting, correct. Zeisler replied yes, that is correct.

**Struble made a motion to pass the 2018 IRC as written to City Council, seconded by Tatum, motion passed 4-0.**

**5. Demolition Appeal brought forward by Joe Pekron at 108 E Kansas City Street**
Lon Schnittgrund, Building Inspector for the City, presented and explained the pictures he had taken when he went to inspect the property initially on July 8, 2014. Schnittgrund stated some of his concerns in the structure were the sheetrock that was falling and missing in the living room area, improper insulation of a low slope roof membrane, the basement floor heaving and there were also cracks forming all around the walls and the floors of the foundation which was allowing water in the house. Schnittgrund went on to state that he was asked to revisit the property on October 8th 2014 and no corrections were made on the foundation and the low slope roof membrane was improperly installed and it was laid backwards. Schnittgrund explained the letter that Building Official Brad Solon had sent to property owner Joe Pekron on September 26th 2014. Struble asked who initiated the complaint. Schnittgrund replied the tenant at the time made the complaint and produced the consent form for the City to come and inspect the house. Schnittgrund then explained each picture that was presented that he had taken of the structure. Building Inspector, Matt Schumacher then presented and explained all of the pictures he had taken when he went to inspect the property on May 18th 2018. Clayton McClain with Code Enforcement stated he had been called to the property five times since 2014, and out of the five times he had to abate the property two times. McClain stated in 2014 it was for a dead pine tree in the yard, in 2015 it was for tall grass, in 2016 it was for trash, furniture, mattresses, and trash bags piled up, in 2017 the City had to have it cleaned up, and in 2018 they were called for tall grass and weeds. Schumacher stated that it would be about 14,000.00 dollars for concrete to fix the foundation issues, not to mention what it would cost to jack up the house and fix the piping, electrical etc.. Officer Nick Allendar with the RCPD started to receive complaints this year of people climbing in the broken windows and getting in the back doors. In June he received the same complaint of people going inside the house. Allendar stated the house is a hazard to the community and the neighbors are concerned. The RCPD asked the owner Joe Pekron to secure the windows and doors. Allendar stated there were beer cans and bedding showing that there were people living in the structure that shouldn’t be. Allendar stated they did find a man living in the basement. City Attorney Kinsley Groote commented that the water, sewer, and garbage had been shut off on the property for lack of payment and the last time the bills were paid was on December 2016. Joe Pekron stated him and is wife bought the house in 2010 and the things everyone had stated were true. Pekron stated they had some bad tenants and they trashed the inside of the house. Pekron stated he had some quotes from Blackburn Basement for $40-50,000.00 and that he could get it fixed back up and he didn’t feel it should be demolished. Pekron went on to state the house is worth $84,000.00, and he has paid his taxes up to date, and with his wife being sick they have not been able to keep up with it over the last few years but have intentions to do so moving forward. Asbridge asked if he has the financial means to take care of all the code issues that need to be fixed. Pekron replied yes. Asbridge stated for the City and the Board to feel comfortable with that they would need to see and hear a plan and time frame laid out that Pekron has to fix the many issues to make the property livable. Tatum asked if we were to give him a time on this he needs to show a letter of credit or a bond to prove that he even has the means to fix the issues. Struble stated that within days he needs to have the property secured so trespassers can’t get into the property. Janson agreed and commented that he needs to get started on getting it secured and cleaned up immediately and then to allow a 30 day period for Pekron to show the board and irrevocable letter of credit proving he has the funds to pay for the repairs with
estimates from contractors as well. Groote stated the letter of credit should be for $10,000.00 to $12,000.00, so if he doesn’t fulfill his agreement to fix the property, then the City has those funds to use towards the demolition.

Tatum made a motion for extension of 30 days to come up with some form of proof that he has the funds to repair the house with, and to also have bids from contractors by next month’s meeting, and if he can’t, than the board will demolish the house within 30 days. Asbridge asked if he would also include in his motion, immediate securing of the house. Allendar stated he would like to see heavy plywood securing every window and door so it is not easily accessed, and for the trees and shrubbery to be cleaned up. Discussion followed on egress window requirements, and how the owner occupant can do the work only and how he wouldn’t be able to do the work in the house, because he does not reside in the house. McClain reminded Pekron he did have options and he did not need to spend all the money and energy to fix the property, and he could demo it himself and sell the lot. Asbridge asked for a second to the motion and a clarification of the motion from Zeisler. Zeisler replied the clarification of the motion is to extend a 30 day period of time for the owner to prove to the City that he has the financial ability to bring the property up to current code, and in addition give the owner a week to secure the property and clean up bushes, grass, and trees, and to also board up every window and door around it to deter vagrants wanting to occupy the structure, and that Pekron also needed to provide within 30 days or by the next Building Board meeting an irrevocable letter of credit in the amount of $12,000.00 for the demolition.

Seconded by Struble

Struble again clarified to Pekron what he had to do and the time frame he has. Also, the Board added that he can’t rent it out until the house is inspected again and it is brought up to current code to a habitable state. Struble stated to Pekron that if he didn’t have a good plan on repairing it, than in 30 days the Board will vote on allowing the City to demolish the house.

Motion passed 4-0.

6. Approval of the July 10th 2018 BBOA meeting minutes.

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

7. Meeting Adjourned at 9:02 am