Meeting Minutes
Building Board of Appeals
November 13th, 2018

The Rapid City Building Board met on November 13, 2018. The following members were present: David Asbridge, Michele Seaman, Steve Struble, and Jamie Stampe.

Staff Present: Building Official Brad Solon, City Attorney Carla Cushman, and Building Services Secretary Serenna Zeisler.

Others Present: Kammi Doud with Quality Transportation, Jeff Lage and Dane Boomsma representing Black Hills Home Builders, and Gary Kuhl.

Meeting opened at 7:31

1. Set Agenda

Asbridge asked for a motion to set the agenda, Struble made a motion to set the agenda, seconded by Seaman, motion passed 3-0.


Doud’s stated her name and address being, 2214 Dakota Craft Drive. Doud’s explained why they are appealing the code and that it was never expressed to them when they had the building built that this would be an issue. Doud’s presented pictures to the Board showing that even though the kitchen is in a commercial building it represents a residential type kitchen. Doud’s explained it is a break room only, the stove top would never be used for commercial type cooking, and that the microwave has a venting function installed and can be set to be used if needed. Doud’s added there are only three people that occupy the building and use the kitchen for heating up lunches on their lunch breaks. Struble asked Doud’s if this was existing in the building when they purchased it or if it was a new build. Doud’s replied that it was a new build. Asbridge asked if there were any living quarters in the building. Doud’s replied no and there would never be. Seaman asked why it couldn’t be vented other than the cosmetic reasons. Doud’s replied that on the other side is a hallway and restrooms. Asbridge asked Solon if they would even be meeting the code if they had to vent it. Solon read and explained the amendment to the exception to the code in that type II hoods may be used over a single style four burner electric-gas range in churches, schools, and break rooms. Seaman asked about the vented microwave and if that qualifies as a type II hood. Discussion followed. Seaman asked Doud’s if the microwave has the option of being vented to the outside of the building, or if it was a re-circulating vent only. Doud’s replied, that it could be vented to the outside of the building. Struble reiterated that as long as the microwave is vented to the outside then they are meeting the intent of the code.
Struble made a motion to deny the request for the variance and allow for the microwave to be vented and to not have to completely re-construct the whole thing, Seaman seconded, motion passed 4-0.

3. Energy Code Discussion

Solon explained in 2010 the previous Community Planning Director Brett Limbaugh, was surprised that we had not adopted an Energy Code and that the State had not either. Solon stated the Energy Code was brought before the Board and they wanted to have it added but Mayor Kooiker did not agree and did not want it to be placed on the agenda so it never went into effect. Jeff Lage, representing BHHBA, stated the document he presented to the Board had the high impact items listed on it. Lage asked if the insulation code requires R11 for walls and R30 for ceilings. Solon replied, yes. Lage stated that most of South Dakota is no longer a zone 5 and that we are now a zone 6. Struble asked what is zone 5 zone 6 mean. Lage explained that it’s a map that refers to what “R” values you should have in your geographical area. Lage stated on behalf of him and the BHHB they do not want to adopt the 2018 Energy Code. Lage explained their opposition with the R requirements in particular in the Energy Code and the added costs it creates for builders. Lage does not agree with some of the mandatory tests that would be required as well. Discussion followed. Lage is okay with changing to R13 and R38 in the attic. Lage requested to the Board to not adopt the 2018 Energy Code in Rapid City and to allow them time to form a committee and come up with a plan on what is best for Rapid City and South Dakota and to make our own Energy Code to be adopted. Struble addressed Lage and stated something to think about is: does the energy code improve the quality of the house even though there may be cost added. Struble added it makes sense to spend a little more money to get a better product. Discussion continued. Stampe stated, the commercial code failed because it driven by special interest. Stampe stated that we need to give homeowners the choice. Stampe stated let’s strike a happy medium and not an energy code but more of a building code. Daene Boomsma, also representing BHHB, replied they’re concerned that home consumers won’t be able to afford energy efficient homes and he also would like to give homeowners the choice. Seaman commented that she resides in an energy efficient home and there isn’t a month that goes by that she doesn’t have to manage something. Discussion continued. Lage reiterated to give them some time to put something together that makes sense to bring before the Board and the City. Solon stated the IMC and the Energy Code are closely tied together and there are many references that would have to be taken out if the Energy Code does not pass, so there would be something’s that would need to be changed in the IMC and have to be brought back before the Board if the Energy Code is not going to be moved forward. Seaman asked about a time frame. Solon stated we would like to get the 2018 Codes adopted. Solon suggested to bring the IMC back in December without the Energy Code (Chapter 11 in the IRC) attached to it. Asbridge stated we need to make the changes to amend the R13 in the walls and R38 in the ceiling requirements, instead of the current code at R30 and R11 and also change the stair treads in the IRC.

Asbridge asked for a motion to make the changes in the all the codes necessary in the discussion had today in the Building Code and the Energy Code (Chapter 11), and bring back before the Board when completed, Seaman made a motion that reiterated what Asbridge stated, seconded by Stampe, motion passed 4-0.
4. Updates On Changes to IPMC, IFGC, IRC & IMC and Potential Recommendation Made to Council

Solon stated that City Attorney Kinsley Groote, found some items that may be numbered incorrectly that need to be fixed. Seaman asked if all of these codes are going to have to come back to the Board anyway. Solon stated, yes.

**Continued until the next scheduled meeting**

5. 2018 IBC

Solon stated the biggest change in the IBC is that we struck the requirements for fire sprinklers in chapter 9, and are replacing it with the exact same wording that is in the existing fire code. Stampe added his concern with the Energy Code and it’s resemblance to the ASHRAE Code, which is too extensive in that it basically tells you how to shape the whole building. Stampe stated where do we draw the line when we regulate what owners and people’s options are. Stampe also added that many of the requirements are beyond what a lot of developers would even consider. Stampe would like to look through chapter 11 more thoroughly. Stampe added, energy has to have a common sense payback in a few years and it will affect developing in Rapid City. Discussion continued.

**Struble made a motion to be continued until the next scheduled meeting, seconded by Seaman, motion passed 4-0.**

6. Approval of the September 11th, 2018 BBOA Meeting Minutes.

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

7. Adjourned at 9:08