The Rapid City Building Board met on July 14th, 2020. The following members were present: Bob Brandt, Steve Malone, Steve Struble, Myron Tatum, and Walter Cline.

Staff Present: Curt Bechtel, Mark Brodrick, Jeff Larus, and Serenna Zeisler

Others Present: Homeowner James Bialoto and Ken Hilzer with Restoration Specialties

Meeting opened at 7:32

1. **Set Agenda**

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

2. **Discussion and Follow Up on Ordinances 15.04, 15.08.010, 15.12.170, 15.13.270, and IPMC**

   Bechtel stated these Ordinances that have been seen before, and Solon was going to have a public meeting to go over them, but due to the pandemic, they were unable to have one. Bechtel also added, until we get directed to do something different, we will hold off on addressing these and having a public meeting. Brandt asked if we should table them until a later date, Bechtel agreed.

   Brandt made a motion to continue them until a later date when a public meeting can be held, Struble seconded, motion passed 4-0.

3. **Acknowledgement of New Adopted NEC & New Fees**

   Bechtel commented the state adopted the NEC and we have a new fee table that follows the state. Brodrick added the State adopted them July, 1st, and there were 4 amendments added on the residential side. Larus added it is the fees only and they haven’t received the changes to the ordinance yet. Struble asked if the city is still following the state code. Larus, replied yes.

   Acknowledged and Tabled.

4. **Appeal by Bialoto on the Contractor License of Restoration Specialties**
Bialoto proceeded to hand packets out to the board members and stated that Restoration Specialties tore the roof off of his house while he was out of town and left once they realized they were tearing off shingles at the wrong address. Bialoto added, they never contacted him explaining what had happened, they just took off and left a bare roof on his property. Bialoto stated, he was gone for four weeks dealing with the passing of his mother and once he returned it had rained a lot and the inside of his house was completely damaged. Bialoto stated, he contacted the police and his insurance company and they both found Restoration Specialties responsible. Bialoto added, he is out $28,000.00, because they didn’t call him and let him know what had happened and or fixed the roof for him due to their mistake.

Ken Hilzer, with Restoration Specialties, explained on August 8th they had pulled a roofing permit for 113 Saint Francis Street and started the job on August 9th at 7:00 am. Hilzer added, they had a 9:00 am ice and water inspection that they passed with the city, and completed the job at 11:30. Hilzer stated, on September 1st they received a call from Bialoto and that he would like an estimate on a house, they went out and met with him and gave him the estimate. Hilzer added, on September 3rd they received a call from Deputy Loenard, with the Rapid City Police Department, and had no idea of anything he was talking about. Hilzer said, he then made a lot of phone calls regarding what had happened and how. Hilzer added, that on September 4th he received a call from the leader of the subcontractor they use and he stated two guys had showed up that day to the wrong address, and he asked the guy, why did you not tell us, and the guy told him, we dried in the roof and left. Hilzer reiterated that he had no idea any of this had happened. Hilzer stated, he contacted Bialoto and told him he would reroof his house at no cost to him, and Bialoto told him no. Brandt asked if there is a visible address on the property and Bialoto replied, that there is and it reads, 113 E Saint Francis Street. Bialoto added, if he would have had a supervised crew, this mistake most likely wouldn’t had ever happened. Hilzer stated, he is one of the only contractors in town that has a supervisor at every job site.

Malone asked Bialoto what he would like to see the Board do. Bialoto replied, he would like to see the board permanently revoke his license so he can no longer do work in the city.

Discussion continued. Hilzer also handed the board a packet to review. Brandt asked Hilzer if he had a copy of the passed roofing inspection. Hilzer replied, he had one at his office and that he could get a copy to the board if they would like to see it. Malone clarified, is it for 113 E Saint Francis Street, or for 113 Saint Francis Street. Hilzer replied, it is for 113 Saint Francis Street. Bialoto added, he never had a passed roofing inspection on his property, it was left open, and not completed, and after they realized they were at the wrong address, they just took off.

Bechtel reiterated, that former Building Official, Brad Solon, did not want to revoke Restoration Specialties contractor license, but Bialoto wanted to appeal his decision of Solon not wanting to revoke their license. Discussion continued. Brandt asked Hilzer, when did your crew realize they were at the wrong address, and what did they do when they realized it. Hilzer replied, he didn’t know that exactly, but when he found out what had happened on September 4th, he questioned everybody and every crew in the company, and then made an offer to rectify the situation and completely tear off the roof and re-shingle a new roof, but Bialoto said no, he didn’t want that. Tatum asked, if he found out who the guys were that tore off the roof. Hilzer replied, he never found out exactly who they were, just that they were two guys who worked for one of his crew leaders. Bialoto again added, they are not licensed contractors with the city. Bechtel stated, this is a loop whole in the system with roofing contractors, where their crews
performing the work are not licensed as well. Discussion continued. Brandt asked Bialoto, if he had filed a civil claim against them. Bialoto replied, not as of yet, only with the insurance company for now, but with the courts is next. Brandt added, he feels they should wait until the civil claim is settled and then if they’re found liable, then it could come before the board again, and they can decide if they would want to revoke their license. Bechtel added, the city has never had any problems with Restoration Specialties, they always get permits, and get their inspections done and passed. Struble explained his thoughts on what happened with the situation and that it is a civil case that goes through the court system first. Brandt stated, it needs to go through the courts first, and if the court finds the contractor negligent, then the board can revisit pulling their license, but until the court makes a ruling, he is not comfortable with revoking their license.

Brandt set a motion to not revoke Restoration Specialties Contractor License, and if the court finds the contractor negligent, then the board can revisit pulling their license, seconded by Tatum, motion passed 4-0.

5. **Discussion on Required Soils Reports**

Bechtel informed the board on why Solon wanted to see this item on the agenda, and it was because some of the contractors are having trouble getting the reports from the companies that perform the soils tests/reports.

Bechtel stated, he doesn’t see any changes that need to be made right now, and that it is a good thing that the soils test/reports are required. Discussion continued

Tabled

6. **Approval of the February 11\(^{th}\) 2020, BBOA Meeting Minutes**

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

7. **Adjourned**