

Minutes

Building Board of Appeals

February 9, 2016

The Rapid City Building Board met on February 9, 2016. The following members were present: David Asbridge, Steve Struble, Myron Tatum, Steve Malone, and Michelle Seaman.

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

Others Present: Dean Horst

Asbridge opened the meeting at 7:36 a.m.

1. Set Agenda

Asbridge moved to set the agenda, Malone made a motion to set the agenda, seconded by Tatum, the motion carried 5-0.

2. Dean Horst Class A License Appeal

Dean Horst presented a letter to the Board. The Board members took time to read the letter. Asbridge asked Horst if there was anything he would like to add. Horst added, he has a tenant that would like to add a wall and to build that, he now has to have a Contractor license. Horst stated, he doubts he could even get a contractor to do such a small project as it is. Horst stated, they do all their work "in house". Asbridge asked Solon if he would tell the Board on the process of how the contractors were notified. Solon stated, at the time it was a regular procedure for Ordinance changes; and that it was published in the newspaper and published twice, and then had to go through two readings. They then extended it until the end of the year because they realized that it may not have given the contractors enough time; that then got two readings, so being a total of four readings. Asbridge asked if the AGC and the CIC were notified of the change. Solon stated he believed so. Horst stated, the CIC doesn't even put out a bulletin anymore, and it is only available on the internet. Asbridge asked Horst if he was a member of the AGC or CIC. Horst stated he used to be. Asbridge asked Horst if he was in the contracting business. Horst stated, he is retired, but still builds. Asbridge stated so you're asking us to grant you permission to build without a license. Horst stated, no, but he cannot study the thirty chapters in the code book and take the test on the computer. Tatum asked how many permits Horst had in the "grandfathering" time period. Solon, stated that Horst had counted eight, but Curt Bechtel and he thought that was some debate on that number. Discussion continued. Tatum asked why he was not grandfathered in to receive the Class A Commercial Contractor License. Solon stated because he just applied for the permit/license 2 weeks ago and the "grandfathering" period for him to apply expired back in December 31, of 2013. Tatum asked, if Horst was

told when he came in to apply for permits that he could be grandfathered in to receive his Class A License. Solon stated yes, Curt Bechtel, Plans Examiner, mentioned to him on a few different occasions. Horst stated the Ordinance states that a contractor is automatically grandfathered in to receive the Class A License. Solon stated a contractor still had to apply for a license, had to provide insurance, and show their South Dakota Excise Tax Certificate along with providing payment. Asbridge asked if he met the criteria, other than applying for the license. Solon stated, yes. Cushman read the Ordinance and the particular part where it states a contractor shall be automatically grandfathered in to receive the Class A License. Cushman then stated that does not mean the contractor does not apply properly and pay the license fee. Asbridge asked Cushman if it stated in the Ordinance that the contractor would need to provide insurance etc.. Cushman and Solon responded yes. Asbridge then asked Horst if he carried the proper insurance to have a Contractor License. Horst stated he did not know he needed it, because it was not posted in the Legals in the newspaper. Asbridge stated yes it was published in the newspaper. Asbridge stated, it's not too late for him to obtain the license, he would just need to follow procedure like everyone else that applies and take the exam. Horst stated he does not know how to run a computer and would not be able to take the exam on the computer. Discussion continued. Struble stated he is reading the Ordinance that it states a contractor is automatically grandfathered in and that they do not have to apply. Malone asked before the ordinance, what was the process for contractors to obtain their commercial license. Solon stated there was no process because we didn't have a Commercial Contractor A License. Asbridge asked what type of insurance is required now. Cushman stated General Liability and Workers Compensation. Struble stated again that the Ordinance states it is automatic and nowhere does it state that they have to apply. Horst stated he is in good standing with the work he does; he has no complaints against him and he has permits for all the projects he has done. Seaman asked when the last permit he had applied for was pulled. Horst stated in 2015. Malone stated that taking a test on a computer is an easy process. Malone stated he does have a real concern like Steve Struble does and how the Ordinance states it is automatic to be grandfathered in, and nowhere does it say a contractor has to apply. Malone stated he is surprised that this is the first one they've seen come forward to the Board with the way the Ordinance reads.

Malone made a motion to override Solons denial of Horsts license, seconded by Struble, motion passed 5-0.

3. Decorative Fire Pits-Continued from December 8th, 2016

Cushman stated she did some research on how other cities handle the decorative gas fueled outdoor fire pits. Cushman then provided a packet of information to the board that had Ordinances from the other cities in regards to decorative fire pits. Cushman stated some cities require permits with licensed contractors to install them with two inspections to follow, while some cities have the home owner follow the manufacturer's instructions. Cushman stated she didn't find anything standard what so ever. Tatum

stated the gas line is supposed to be inspected regardless, so there is a permit and inspection with that. Discussion continued.

Seaman stated the buyer needs to stick to the manufacturer's specks. Discussion continued.

Discussion tabled.

4. Reappointment of Building Board Members

Solon asked if all the Board members reapplied to be reappointed to the Building Board. Asbridge, Malone, Struble, Tatum, and Seaman stated yes. Cushman stated that there will be staggered terms moving forward. Malone asked when their terms expire. Cushman stated in March of this year.

5. Approval of the December 8th, 2016 BBOA Meeting Minutes

Malone made a motion to approve the meeting minutes, seconded by Asbridge, motion passed 5-0.

6. Adjourn