

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

December 2, 2013

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Doeden, Harder, Redford, Wilhite, Willenberg

Staff Members Present: Tom Stolz, Deb Legge, Diane Patton, Elaine Hammons (MABCD); Jeff Van Zandt (City Law); Fire Marshal Brad Crisp (WFD)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Coonrod on Monday, December 2, 2013, at 1:00 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Approval of the November 4, 2013, minutes.

Board Member Harder made a motion to approve the minutes for the November 4, 2013, minutes. Board Member Willenberg seconded the motion. The motion carried. (Board Member Banuelos was not present for this vote.)

Approval of the October 7, 2013, amended minutes.

Board Member Harder made a motion to approve the amended minutes of the October 7, 2013, meeting. Board Member Doeden seconded the motion. The motion was approved. (Board Member Banuelos was not present for this vote.)

Public Agenda.

There was no one present to speak on the Public Agenda.

Chairman Coonrod requested that the Board and City/County staff introduce themselves to the public in attendance.

Condemnations:

New Cases

There were no new cases on the agenda for December.

Review Cases

1. 1947 S. Water (Commercial Building)

The owner, Michael Burk, appeared on behalf of this property.

This is a one-story frame commercial building about 42 x 69 feet in size. Vacant for many years, this structure has a badly deteriorated wood and composition roof with missing shingles; rotted wood siding; rotted framing members; and rotted fascia and wood trim.

The case was first presented to the Board at the June 3, 2013, hearing and again at the September 9, 2013, hearing. At the September hearing a motion was made and approved to allow until the December hearing for the owner to report back to the Board with a plan of action or else the property would be referred to the City Council with a recommendation of condemnation. Meanwhile the premise was to be maintained (mowed) every two weeks until the owner's reappearance before the Board.

The taxes are current; however, there is a 2011 Special Assessment for weed mowing in the amount of \$253.36 and two 2012 Special Assessments for weed mowing totaling \$246.62. There is some tree waste and some bulky waste at the rear of the premise. The mowing has been maintained. Although no repairs have been made, the structure is secure. The south slope of the roof is collapsing.

In response to Chairman Coonrod's inquiry about the status of the property, Mr. Burk told the Board that he had a plan to rehabilitate the property. Mr. Burk distributed paperwork showing that the site was up for sale. He said that although previous financing had fallen through, he would continue to seek new financing as well as try to sell the property. Zoning restrictions have made it necessary to revert to residential use for the property. Although a building permit was secured for converting the structure into a two-family dwelling, no work has been started due to the loss of financing. Mr. Burk said he had only had a clear title for the property for approximately two weeks.

Chairman Coonrod told Mr. Burk that the Board's concern was the building's exterior. Mr. Burk said he understood but didn't want to make any changes to the exterior until the rehabilitation could proceed as originally planned.

Board Member Harder made a motion that an extension be granted until the regularly scheduled February 3rd meeting, maintaining the site in a clean and secure condition and having all debris removed from the property in the interim. At the February meeting, Mr. Burk must show that rehabilitation or sale of the property is moving forward in a timely manner, or the property will be submitted to the City Council with a recommendation of condemnation with ten days to begin demolition and ten days to complete the removal of the structure. Board Member Doeden seconded the motion. The motion carried. (Board Member Banuelos was not present for this vote.)

License status of roofing contractors not registered with the State of Kansas as of January 1, 2014.

Mr. Stolz gave the Board a brief update on the MABCD policy on roofing contractors in correlation to recent legislation requiring State registration for roofing contractors. The City of Wichita-Sedgwick County will require the contractor to provide proof of registration with the State of Kansas prior to issuing a roofing permit to that contractor. A directive is being developed on this practice, and Mr. Stolz told the Board that he would provide the draft for the Board's perusal and comments.

Discussion of requirements for "Qualified Person" when located out of state.

With many out-of-state contractors seeking a contractor's license to work within the confines of the MABCD jurisdiction, Mr. Stolz asked the Board for input on clarifying the language in the Unified Code. He asked that the Board determine whether the current system of vetting applicants met with the Board's approval. There have been comments from out-of-state contractors who felt the process was unnecessarily cumbersome for those who wanted a license to come into the area and do a one-time job. The Board's opinion was that out-of-state contractors should follow the same vetting process required of the local applicants, which is currently the process in place. Another issue of concern to MABCD staff is that the Qualified Person for a contractor's license can be any applicant who receives a passing score (75%) on an accepted test. Historically a large number of Qualified Persons have passed the written test but have no real experience in the construction field. Mr. Stolz told the Board he would look into the processes of other jurisdictions to find out what requirements were in place for Qualified Persons on contractor licenses and report back to the Board with his findings.

Noncompliance fees.

On a daily basis staff with MABCD encounters various types of noncompliance with building and trade code requirements. The way noncompliance issues are handled depends on the circumstance:

Past policy has been to assess a 'reinspection fee' against a project at the inspector's discretion. To make sure that reinspection fees are assessed in a more consistent manner, Mr. Stolz explained that he has developed a directive that names five conditions when a reinspection fee may be assessed: 1) bona fide lack of access for a requested inspection; 2) the contractor (general or subcontractor) did not follow documented directions to fix an existing code problem that requires another inspection; 3) no permit card on site; 4) lack of construction documents on site; or 5)

other categories as determined by the inspector. In all instances, the inspector must contact his/her supervisor for consent to assess the reinspection fee. The reinspection fees will be the same dollar amount for building and trades.

When staff encounters a contractor who fails to get the required permit(s) before starting a job, an investigation fee is usually assessed. Mr. Stolz told the Board that he wants to make that penalty assessment uniform for the trade and construction permits. Based on the mechanical and plumbing model, he would like to see on permits with fees of \$1,000 or less a possible \$200 penalty plus the permit fee for the first offense; a \$500 plus the permit fee for the second offense; and a \$500 penalty plus the permit fee and an automatic appearance before the Board for the third offense. For permits with fees over \$1,000, he would like to see a \$1,000 penalty plus the permit fee for the first offense, and a \$1,000 penalty plus the permit fee and an automatic appearance before the Board for a second offense.

For permits that have been applied for through MABCD's Dynamic Portal online permitting option, Mr. Stolz told the Board that if the fees are not paid within a reasonable time period, the online permitting privilege for those contractors will be terminated. Additionally, before any other permits will be issued, all outstanding permit fees must be paid.

Mr. Stolz announced that the January 2014 meeting will be a joint meeting for all MABCD Advisory Boards to be held at City Hall, 455 North Main. Once a date has been set for the meeting, all Boards will be notified.

With no other business to conduct, Board Member Harder made a motion to adjourn the meeting. Board Member Doeden seconded the motion. The motion was approved.

The meeting adjourned at 1:58 p.m.