

Meeting Minutes
Building Board of Appeals
August 12th, 2014

The Rapid City Building Board met on August 12, 2014. The following members were present: David Asbridge, Steve Malone, Steve Struble, James Rensch, and Michelle Seaman.

Staff Present: Sam Kooiker, Mayor, Brett Limbaugh, Building Director, Brad Solon, Building Official, Carla Cushman, City Attorney, Allison Marsland, City Attorney, Charity Doyle, City Council Member, John Roberts City Council Member, and Serenna Hagen, Building Services Secretary.

Others Present: James Steele, George Nelson, Jamie Steel, Denise Ross, Rana Graham, Lyndon Bolt, Doug Wiken, and Brant Wiken.

Asbridge opened the meeting at 7:30 a.m.

1. Set Agenda

Asbridge moved to set the agenda, seconded by Malone, the motion carried 5-0, with Seaman, Rensch, and Struble voting yes and none voting no.

2. Denise Ross & David Larson Appeal regarding the revoking of James Steele Constructions Contractor's License.

Asbridge stated that each appellant would have five minutes to speak to the Board. Asbridge asked Mrs. Ross if she would like to speak for her turn. Ross stated she would like to save her time to speak for the end. Asbridge stated if she would like to speak, she would need to do so at the present time. Ross stated she did not have any additional information she would like to add.

Asbridge asked Mr. Steele if he would like to speak. Steele stated he has been a Contractor in Rapid City his whole life and built over three hundred homes and apartments. Steele went on to state he had done both residential and commercial projects as a Class A Contractor, and himself along with his employees are licensed and insured. Steele also stated he would like the Board to have the option to bring in two or three different contractors of their choice and have them present to the Board what they feel is right on an appeal matter. Steele stated he and another contractor went out to Mrs. Ross's home and looked at the shingles he had laid on her roof. Steele then stated that there may have been a couple slightly over driven nails, he put down 30 lbs. of felt instead of 15 lbs., and he is not the first or the only Contractor in town that overlays felt on a roof. Steele stated they took six feet up around the edge, and that is also required by City Code. Steele stated they over laid the valley tin with new valley tin and left the

old valley tin there. Steele stated they also ran the ice and water shield up and down the valley so it makes an extra seal before they shingle. Steele stated he only hires people that are licensed within the City and has copies of their licenses if the Board would want to view them. Steele stated he feels that it is unfair that he is in a position of getting his license taken away due to a shingle job that the property owners do not want to pay for. Asbridge stated his time was up and asked if anyone else would like an opportunity to speak. No comments were made.

Solon read the memo to the Board on the appeal. Asbridge stated revocation of a license is too severe in this matter. Asbridge stated he does not disagree that there were three code violations that the Board had found, in the 2013 November Building Board of Appeals meeting. Asbridge went on to state there are two choices, the first one being to suspend his license until the corrections are made, and the second being to affirm the Building Official's findings to not revoke or suspend his license. Struble stated it was acknowledged in the meeting in November, there were issues that needed to be corrected; he asked why the corrections did not get repaired. Struble agreed with Asbridge that revoking Mr. Steele's license is too severe, however he stated he had concerns on why the decision they made last November was not taken seriously and why the corrections that needed to be made were not made. Malone asked if any work had been completed since the Board made its determination last November. Ross stated no, there had not been any done. George Nelson, Mr. Steele's attorney, stated that by direction of him to his client, he had advised him to not make any corrections until the pending litigation was over. Ross added the contractor that looked at her roof with Mr. Steele was on the roof for five minutes and seemed to not want to be there, he lifted up two shingles and found a mix of good and bad shingles. Asbridge sought a motion on the Appeal. Asbridge stated the Board needed to decide to suspend his license, revoke his license, or agree with Rapid City Building Official, Brad Solon's decision. Asbridge stated the code violations need to be fixed. Malone asked when the Board made their decision on the code violations. Ross stated in November of 2013. Malone asked when the law suit was filed. Nelson stated October of 2013. Ross wanted to clarify to the Board that they had not been afforded a spot on the Agenda until October of 2013, and that they had been speaking with Brad Solon as of late June 2013. Malone stated they made a determination as a Board last November, and the contractor had still decided not to fix the issues they told him he needed to, Malone then stated he is in favor of suspending Mr. Steele's license.

Struble moved to make a motion to suspend the license until the corrections to the house are complete. Seconded by Malone.

Seaman asked if there is a settlement in the litigation, would his license still remain suspended. Cushman suggested to make a motion to suspend until the roof is fixed or the homeowner withdraws her complaint. City Council member John Roberts asked if his license would be suspended for other work he is currently doing in the City. Steele asked, if this would pertain to his Class A license or his Roofing license. Asbridge stated no, you do not have a separate roofing license, if you are a Class A license holder you

are licensed to perform roofing as well. Struble stated we should not make him stop finishing up existing work; it would be a suspension of applying for any new permits. Malone stated if there is a settlement reached Mr. Steele he is still obligated to fix the issues that need to be fixed.

Struble made a substitute motion to suspend the contractor's license belonging to James S. Steele Construction Company as to future building permits until the code violations that were found by the Board are corrected or the suspension is lifted, seconded by Asbridge, motion carried 5-0, with Seaman, Rensch, and Malone voting yes and none voting no.

George Nelson stated his client Jim Steele would be appealing to City Council.