

COMMUNITY DEVELOPMENT DEPARTMENT
PERMIT & DEVELOPMENT CENTER
Building & Fire Code Board of Appeals
MEETING MINUTES
January 9, 2020

MEMBERS PRESENT: Bart Caldwell, Chairperson
Chuck Gassman
Martie Mendenhall
Cheryl Peterson
Jon Thyberg
Dave Kriens, Vice Chairperson
Matthew Keller
Blake O'Brien
Randy Tinker
Mel Shivers
Candy Morgan
Chad Layland
Jacob Serfling

MEMBERS ABSENT: None

STAFF PRESENT: Brian Bishop, Deputy Building Official
Judy Parks-Kruse, Assistant City Attorney
Patrick Phelan, Fire Protection Engineer II

GUESTS: None

Meeting was called to order by Chairperson Bart Caldwell at 3:30 p.m. Meeting was held at the Des Moines Municipal Service Center located at 1551 East Martin Luther King Jr. Parkway.

Item 1: Introductions

Board members, staff, and the public introduced themselves.

Item 2: Old Business

a. Minutes November 21, 2019 Building and Fire Code Board of Appeals

Randy Tinker pointed out that he was listed as both absent and present at last month's meeting, when he was absent. Brian Bishop stated he saw the error and will correct to show Randy as absent from the November 21, 2019 meeting. Randy Tinker made a motion to approve the November 21, 2019 minutes as corrected. Matthew Keller seconded motion. Motion passed unanimously.

Item 3: Staff Report.

Brian Bishop introduced new Board member Jacob Serfling and mentioned that a new Board member will be appointed at the January 13, 2020 City Council meeting to fill one of the master

electrician slots. City staff will be presenting the recommendations to adopt the 2018 codes at a City Council workshop on February 5, 2020.

Item 4: New Business

a) Election of Officers

Chairperson Bart Caldwell asked for nominations for officers. Dave Kriens made a motion to nominate Bart Caldwell to continue serving as Chairperson. Randy Tinker seconded the motion. Motion passed unanimously. Randy Tinker volunteered to serve as Vice Chairperson. Jon Thyberg made a motion to nominate Randy Tinker as Vice Chair. Dave Kriens seconded the motion. The motion passed with a unanimous vote.

2020 Officers

Bart Caldwell – Chairperson

Randy Tinker - Vice Chairperson

Item 5: Building Code Adoption – 2018 Pool and Spa Code & deletion of IBC Plumbing language

Deputy Building Official Brian Bishop led the discussion regarding the adoption of the 2018 International Swimming Pool and Spa Code. DBO Bishop explained that the Swimming Pool and Spa code is adopted to provide the barrier requirements around swimming pools and similar structures. These provisions were previously in the building code, but a few years ago were made into a separate code. The City utilizes this code for the barrier provisions and deletes the rest of the content. The adoption of the 2018 International Pool and Spa Code is only a date change since there were no technical changes for the barrier provisions.

DBO Bishop also led the discussion regarding the deletion of Article III of Chapter 26. When the State of Iowa adopted the 2016 Uniform Plumbing Code, the State inadvertently deleted sections regarding separate plumbing facilities and drinking fountain requirements. Sections 26-370 through 373 were provided to add clarity on when separate plumbing facilities were required and when/ where drinking fountains were required. The most recent adoption of the State Plumbing fixed these issues. DBO Bishop recommends that these items be deleted since they are no longer needed.

Randy Rinker made a motion to approve the adoption of the 2018 International Pool and Spa Code as presented by City Staff and to delete City code sections 26-370 through 373 as presented by City staff. Blake O'Brien seconded the motion. Motion passed with unanimous vote.

Item 6: Energy Code Adoption – State Energy Code

Deputy Building Official Bishop led the discussion on the State Energy Code recommendation. DBO Bishop commented that City staff has been struggling with the recommendations for the energy code adoption. The Central Iowa Code Consortium's (CICC) recommendation from the past code cycle was to adopt the 2015 International Energy Conservation Code, which the City adopted. No other cities in the Metro adopted the 2015 International Energy Conservation Code (IECC). This cycle the CICC recommended the adoption of the State Energy Code, which is currently the 2012 International Energy Conservation Code, with State amendments, until such time that the State Energy Code is amended to a higher standard such as the 2018 IECC.

In addition, this past summer the city of Iowa City contacted us about the City adoption of the 2015 IECC. The City of Iowa City was challenged on their adoption of the 2015 IECC. Iowa City's city attorneys investigated the Iowa Code section and also asked for an opinion from the Iowa Department of Public Safety's attorney. The Iowa Department of Public Safety is the agency that houses the State Building Code Bureau who adopts the State Energy Code. The opinion of the Iowa DPS attorney was that "The City of Iowa City cannot legally adopt anything other than the State Energy Code" DBO Bishop indicated that City's attorney had also been researching Iowa Code and turned the discussion over to Assistant City Attorney Judy Parks-Kruse to confirm that decision. Judy confirmed that through her research of the City's ordinance, Iowa City's decision, other cities in Iowa, and the Iowa Code, that the State Energy Code preempts any local ordinance and a city cannot exceed the requirements of the State Energy Code.

Randy Tinker made a motion to adopt the State Energy Code as presented by City staff. Blake O'Brien seconded the motion. Motion passed by unanimous vote.

Item 7: Adjourn

A motion to adjourn was made by Randy Tinker and seconded by Dave Kriens. The motion passed with unanimous approval and the meeting adjourned at 3:53 p.m.

Minutes prepared and submitted by: Brian Bishop, Deputy Building Official