



**City of Dubuque, Iowa  
Building Code Board of Appeals**



**APPROVED MINUTES  
REGULAR SESSION**

3:00 P.M.

Tuesday, June 18, 2019

City Council Chamber, Historic Federal Building

**Commissioners Present:** Benjamin Beard, Tom Swift, Derek Duehr, and Katrina Wilberding.

**Commissioners Excused:** None

**Commissioners Unexcused:** None

**Staff Members Present:** David Johnson, Jeff Zasada, and Mike Sievers

**CALL TO ORDER:** Chairperson Beard called the meeting to order at 3:00 p.m.

**CERTIFICATION OF COMPLIANCE WITH THE IOWA OPEN MEETING LAW:** Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

**OATHS OF OFFICE:** Chairperson Beard administered the Oath of Office for Board Member Wilberding.

**MINUTES:** Motion by Duehr, seconded by Wilberding, to approve the minutes of the May 21, 2019 meeting as submitted. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

**APPEALS:**

**Vacant and/or Abandoned Building License – 409 Burch and 1390 Bluff Streets:** A representative from Blair & Fitzsimmons PC stated he was there on behalf of attorney Stuart Hoover who is representing John White and Alfred Kopczyk, the appellants on the agenda. He explained Mr. Hoover is unable to attend the meeting due to another hearing in Galena, IL and requested the Board table the meeting to a future date.

The Board discussed the request noting this was the second consecutive request for a continuation for the appeals. The Board noted Mr. Hoover was provided ample notice for the meeting. Staff Member Johnson explained Mr. Hoover was notified May 21<sup>st</sup> of the June 18<sup>th</sup> meeting. The Board noted there are pending code enforcement implications associated with the appeals which need to be addressed in a timely manner. The Board also noted the value of their time and Staff's time.

Staff Member Johnson stated should the Board agree to table the appeal; the next regularly scheduled meeting is July 16<sup>th</sup>. The board put Mr. Hoover's representative on notice that this will be the last continuance granted and a decision will be rendered July 16<sup>th</sup> regardless of the appellants participation.

Motion by Swift, seconded by Duehr to table the appeals for 409 Burch and 1390 Bluff Streets to the July 16, 2019 Building Code Board of Appeals meeting where a decision will be made. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:**

Tabling Appeals Requests: The Board discussed best practices and procedures for considering requests to table applications. Staff Member Johnson noted it is solely at the Board's discretion, and best practice might be to consider each request on its own merit. The Board noted there may be some reasons better than others and concurred considering requests on their individual merit is the best approach.

**ITEMS FROM STAFF:**

2018 International Energy Conservation Code Review: Staff Member Johnson reviewed the scope and update process for the 2018 International Energy Conservation Code. He reviewed how the code is used, the scope of changes, and the benefits of the code. Staff Member Johnson stated the role of the Board is to review the proposed amendments to the City of Dubuque International Energy Conservation Code and make a recommendation to City Council to adopt the amendments as presented.

Motion by Duehr, seconded by Wilberding to recommend adoption the 2018 International Energy Conservation Code and amendments to Title 14, Chapter 1, Article C, as presented. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

2018 International Property Maintenance Code Review: Staff Member Johnson reviewed the scope and update process for the International Property Maintenance Code. He reviewed the purpose and application of the code as well as well. Staff Member Johnson noted the role of the Board is to review the proposed amendments to the City of Dubuque International Property Maintenance Code and make a recommendation to City Council to adopt the amendments as presented.

Board Member Swift questioned whether there were any significant changes of note. Staff Member Johnson explained the International Property Maintenance Code will be locally amended to provide adequate barriers around swimming pools capable of containing more than 24" of water; rather than the current language which requires barriers for pools which containing more than 24 "of water. Staff Member Johnson reviewed the challenges with enforcing on seasonal structures such as pools. He noted in the past, in order to circumvent code, residents would drain the pool to less than 24" after being notified of code violations. He explained the language as originally written does not capture the intent of the code. Without effective measures to enforce barrier requirements, the pools become a drowning hazard. The proposed language will address that.

Motion by Duehr, seconded by Wilberding to recommend adoption the 2018 International Property Maintenance Code and amendments to Title 14, Chapter 1, Article G, as presented. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

2018 International Existing Building Code Review: Staff Member Johnson reviewed the scope of changes and update process for the International Existing Building Code. He reviewed the purpose and application of the code. Staff Member Zasada reviewed how the code is applied to building projects. Staff Member Johnson noted this code is an important resource to keeping existing buildings viable and maintaining our historic and older housing stock which is important to Dubuque's identity and quality affordable workforce housing needs. Staff Member Johnson noted the role of the Board is to review the proposed amendments to the City of Dubuque International Existing Building Code and make a recommendation to City Council to adopt the amendments as presented.

Motion by Wilberding, seconded by Duehr to recommend adoption the 2018 International Existing Building Code and amendments to Title 14, Chapter 1, Article G, as presented. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

Procedural Rule – Review and Approval of Draft Minutes: Staff Member Johnson explained the Board can establish procedural rules. He suggested the Board consider a rule to allow for the review and approval of draft minutes via email rather than waiting until a meeting is convened. Staff Member Johnson cited the Board desire to meet as needed and such a rule would allow for approved minutes to be posted shortly after meetings making the Board more efficient and transparent. The Board discussed and supported the change.

Motion by Duehr, seconded by Swift to establish a procedural rule to allow the Building Code Board of Appeals to review and approve minutes via email. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None.

### **Adjournment**

Motion by Wilberding, seconded by Duehr to adjourn the June 18, 2019 meeting. Motion carried by the following vote: Aye – Swift, Duehr, Wilberding, and Beard; Nay – None. The meeting was adjourned at 3:29 p.m.



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David Johnson, Building Services Manager

July 16, 2019  
Adopted