

Unapproved Minutes
Council Special Session
February 24, 2014
Monday 12:00 noon

The special session of the City Council, City of Vermillion, South Dakota was held on Monday, February 24, 2014 at 12:00 noon at city hall second floor conference room.

1. Roll Call

Present: Collier-Wise, Davies, Grayson, Meins, Osborne (arrived 12:05), Willson, Zimmerman, Mayor Powell

Absent: Ward

Also Present: Marty Gilbertson, Dan Siefken, Greg Card, Rich Holland, Farrel Christensen, Eric Birkeland, Jim McCulloch, Richard Draper, John Prescott, Andy Colvin, Mike Carlson

2. Informational Session - Meeting with local leadership of South Dakota Multi-Housing Association to discuss proposed changes to International Property Maintenance Code and Rental Housing Code.

John Prescott, City Manager, stated that city staff met with representatives from the SD Multi-Housing Association and local builders on the code changes. John reported the South Dakota Multi-Housing Association submitted a listing of recommendations for City consideration in adopting the 2012 codes. John reported that from the SD Multi-Housing Association request Farrel has added a "City Response" to the request and following that is John's comments which he handed out. John stated that a meeting was held this morning with the SD Multi-Housing Association on these issues and that Dan Siefken has requested to make comments to the City Council.

Dan Siefken, Director of Governmental Affairs SD Multi-Housing Association, thanked the City Council for agreeing to meet today and stated that the association wanted to ensure safe, secure and sanitary housing in the community. He stated that they wanted to have a clear understanding of the City Council interpretation of certain areas of the 2012 codes that will be considered for adoption by the city. Dan stated that local members have made contact with the Mayor and Council members about their concerns and a local committee has been working with Farrel and the City Manager on the items they have concerns about.

Alderman Osborne arrived 12:05 p.m.

Dan stated that he was requesting the City Council interpretation on the issues raised so we all have an understanding of the intent of the codes being considered for adoption.

Mayor Powell asked Dan where he wanted to start.

Dan stated that if the City is going to follow the building code to require that all windows meet the egress requirement for single family rental homes why this same standard not applied to owner occupied homes.

There was discussion on hard wired smoke detectors and the ability to use a ten year sealed detectors. It was noted that all properties were to have hard wired smoke detectors by December 31, 2013 and there has not been acceptance of the ten year sealed detectors by the International Code Council.

Marty Gilbertson, local landlord and association member, noted that the association is not against health and safety issues. As to windows he noted that many of the older homes that are rental will have windows that will not comply with the current standards. He provided pictures of some of his rental property homes noting that a window in a dormer would require considerable modifications to be enlarged to meet the requirement. Marty asked if the requirements could be adjusted to a minimum width and height that would apply to these properties. Discussion followed on window size for firefighter access, historic districts and structural alterations requirements. Marty noted that if a minimum height and width table could be established he felt this issue would be resolved. He noted that working together a window policy could be developed that would protect the structural integrity of the properties and maintain historic structures while at the same time providing for the health and welfare of the occupants.

Dan stated that the code as proposed would have the City Council serve as the Board of Appeals and questioned if the City Council members had the training in this field to act on appeals. He suggested a Board of Appeals consisting of building professionals with maybe one City Council member.

Mayor Powell asked Jim McCulloch, City Attorney, if the City Council can delegate this to another board. Jim McCulloch reported that the state statute doesn't provide statutory authority for the proposed different Board of Appeals. Jim reported that if there isn't statutory authority to create such a board the City cannot unless we would be under a home rule charter. Jim reviewed an example of this issue and an Attorney General's opinion on the request for a hybrid board. Discussion followed on the Board of Appeals.

The consensus of the City Council was for staff to refine these issues for the first reading of the code change ordinance to be considered on March 3 meeting.

3. Adjourn

57-14

Alderman Osborne moved to adjourn the Council special session at 12:59 p.m. Alderman Zimmerman seconded the motion. Motion carried 8 to 0. Mayor Powell declared the motion adopted.

Dated at Vermillion, South Dakota this 24th day of February, 2014.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY _____

John E. (Jack) Powell, Mayor

ATTEST:

BY _____

Michael D. Carlson, Finance Officer

Published once at the approximate cost of _____.