



**MINUTES
BUILDING TRADES BOARD MEETING
March 23, 2021**

1. Roll Call:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Jon Richardson, Chairperson	Yes	1	1
Kelly McMurphy, Vice Chairperson	No	0	0
Josh Barkley	Yes	1	1
Laura Meyer Dick	Yes	1	1
Brett Leiker	No	0	0
Dusty Moore	Yes	1	1
Paul Phillips	No	0	0
Ron Sturgeon	Yes	1	1
Jeff Thomson	Yes	1	1

Also in attendance were:

Ismael "Izzy" Rivera Jr.
Sadie Wright
Michael Post
Steve McNaughton
Jim Strawn

Building Official, City of Hutchinson
Secretary, City of Hutchinson
Electrical Inspector, City of Hutchinson
Plumbing Inspector, City of Hutchinson
Applicant

2. Public Forum

No public comments were made.

3. Consider Case No. 2021.001

Chairperson Richardson asked if the appealing party or agent was in attendance and if there was any conflict of interest with any of the board members and this case.

Mr. Rivera presented for the City of Hutchinson on Case No. 2021-001 regarding City Ordinance No. 2015-47 Section, 21-107.

Applicant, Mr. Jim Strawn commented & presented his case and received feedback from the Building Trades Board Members:

Jim stated that he spoke with the building official of a surrounding town of Wichita about the licensing requirements. This building official said that these licensing requirements are not in the building code, it is a city ordinance. Jim stated that none of his framers in the last 3-5 years since this city ordinance was put into place has held a license with the City of Hutchinson. Jim called a few friends in other towns who also build and asked if they were required to hold a license, they stated that they are not required to hold licenses. Jim said that none of his framers have ever had a contractor's license, he is afraid that if his framers are required to take the test for their license they will leave and go work elsewhere. Jim stated that he was the one who brought this matter up to the city because when the city got new management, he wanted to get clarification on some issues he has had. He also said that his foundation guy, Nies Foundation does not have a license either. Jim said that he stands behind his subcontractors and he believes that they should be covered under his general contractor's license. He is frustrated because he has never seen any enforcement of this ordinance in the past.

Chairperson Richardson replied to Mr. Strawn and asked if there was maybe some information that could have been misconstrued about the licensing.

Jim Strawn said that he couldn't answer that question but none of his subcontractors have licenses or take tests to obtain the licenses the city is requiring.

Chairperson Richardson asked if the responsibility of the subcontractors lies on the general contractor.

Mr. Rivera stated that the responsibility of the job would lie on the permit holder.

Jeff Thomson commented that when he reads the city's licensing ordinance, he reads it as if the subcontractor is hired by the general contractor, they would be covered under the general contractor's license. Then, only the trades who are working under the general contractor need to hold a license.

Dusty Moore asked Jim Strawn if he has all the proper licensing to be a general contractor. Jim Strawn replied yes, he does have all the proper licensing to be a general contractor.

Dusty Moore stated that he thinks if a general contractor holds the proper licensing with the City of Hutchinson then the sub-contractors he hires should be able to fall under the general contractor's license.

Jim Strawn agreed and said yes, the sub-contractors he hires should be his responsibility and fall under his license.

Dusty Moore brought up a question about how the licensing works for a framer doing work for a homeowner.

Jim Strawn replied and said that when the homeowner applies for a building permit, if they do it correctly then the city should be able to make sure the contractor they are using is licensed. But not everyone gets a building permit so if someone doesn't get a permit then there's a good chance they won't be using a licensed contractor. There is no perfect world where that'll prevent this from happening. The system the city has is a good system, there are just some additional requirements in there that aren't necessary.

Jeff Thomson agreed with Dusty Moore that when he reads the city ordinance it reads as if the general contractor can cover their sub-contractors under their license.

Jim Strawn stated that the city would just need to put a requirement in the ordinance that homeowners need to hire a licensed contractor versus a general contractor hiring an unlicensed sub-contractor.

Ron Sturgeon stated that if the Kansas statute requires the licensing, he can't imagine why more cities don't have more licensing requirements.

Jim Strawn commented that the trades need to be licensed because the work they do can be life threatening if their job isn't done right.

Ron Sturgeon agreed with Jim Strawn and thinks that if a homeowner hires someone to come put a garage up they need to be licensed versus a general contractor hiring other sub-contractors that'll fall under the general's license. There just needs to be some clarification.

Chairperson Richardson stated that he thinks the heartburn for the general contractor is the difference between hiring a licensed contractor to frame rather than just hiring employees to do that work for them. There really isn't much of a difference for safety & liability. The trick is to make sure whoever a homeowner hires is a licensed contractor.

Dusty Moore agreed and said why even have licensing for the general contractors if everyone beneath them must be licensed as well.

Mr. Rivera asked Chairperson Richardson for direction from the board on how they would like the city to proceed.

Chairperson Richardson asks for any additional questions regarding this case. There were no additional questions.

Chairperson Richardson asks Mr. Rivera for his recommendation. Mr. Rivera stated he will move forward with whatever the board decides.

After unanimous decision by the board, Mr. Rivera will have the city attorney draw up a draft reflecting the change to the licensing requirements.

4. Consider Case No. 2021-002

Chairperson Richardson asked if the appealing party or agent was in attendance and if there were any conflict of interest with any of the board members and this case.

Mr. Rivera presented for the City of Hutchinson on Case No. 2021-002 regarding vapor barriers.

Mr. Rivera opened it up to the applicant to address his case on vapor barriers.

Applicant presented his case and received feedback from the board members:

Jim Strawn stated that the International Building Code does not say anything about moisture, it's a vapor barrier. Jim said that they started being required to put 6 mil plastic under their concrete floors about a year ago. He said they have been building houses for 30 some years and have never used plastic under a floor. It is a challenge to get a good finish on the concrete. This requirement is more for slab construction to keep any moisture that may come up, not for basements. Mr. Strawn said that they use drain tile in their homes, so any moisture that comes up out of the floor goes into this drain tile. From the drain tile it drains into the sump pump. The sump pump will pump out any moisture that comes up to the floor. He said for years of putting this in, about 90% of the time the sump pump never runs unless you are in a real wet area. Plastic makes it hard for them to finish their concrete, the plastic adds money to the project. A lot of times, if there is any vapor that comes up to the floor it would get into the drain tile and then into the sump pump which is not sealed, so if any vapor does get down there it'll escape out into the house anyway. He thinks the entire design on a moisture barrier would be on a slab on grade because it is done more in commercial use, but then again you look at other towns, nobody else uses plastic under their floors except for Hutchinson, KS. Jim stated that he does not believe it's in the code and that it's a city ordinance.

Mr. Rivera replied and said that it is in the building code, Section R506, Concrete Floors on Grade.

Jim Strawn stated they think "On Grade" means up on top of the ground.

Rivera said it means on ground whether its up on top or on the bottom, whatever concrete is touching earth.

Jim Strawn asked Rivera if the code says anything about moisture, he said it doesn't say moisture just vapor barrier. We're not dealing with a moisture problem; we are dealing with a vapor problem. Mr. Strawn said that they won't be able to stop any vapor coming through.

Chairperson Richardson asked for clarification that we are saying moisture and vapor to be two separate terms.

Jim agreed and said yes, moisture and vapor are two separate items and that there is not moisture in the code, it's just simply a vapor barrier. He said plastic won't stop vapor because anything that

comes up will come through the drain tile and get into the house. Jim suggested one thing that can be done is to install the proper piping & fan that you use for radon since radon is also a vapor.

Jeff Thomson stated that one of the articles said the vapor can delaminate adhesives and affect the hardwood flooring.

Jim said that there are no moistures under the floor because the drain tile picks that up and pumps it outside. Jim stated that's why they install drain tile around the perimeter of the house and under the floor.

Ron Sturgeon commented that his interpretation of humidity & moisture is both a form of vapor, so it depends on what form of vapor you are talking about. From a mechanical contractor's aspect, it's important because they deal with humidity problems in dwellings all the time.

Jim stated that he understands there are humidity problems and that you can have a humidity problem in a crawl space.

Mr. Rivera suggested that if a crawl space is having humidity problems, then it is not properly vented.

Jim said he isn't saying that there's not moisture problems, he just hasn't had any in any of their homes.

Chairperson Richardson asked Jim if what he is asking for is an appeal to putting the plastic down in a basement floor.

Jim said yes, that is correct. He does not want to have to put it down because it's particularly hard and dangerous to do it in the wind. 90% of the time when they put the vapor barrier down the concrete guys will most likely poke holes in it when they pour the concrete.

Laura Meyer Dick asked Jim what he is required to do other places, specifically the home he's building now up by Galva.

Jim said this is the only town that requires the vapor barrier, so they don't do it anywhere else. They always do the drain tile because that's their insurance and that takes out any moisture under the floor. He stated that there aren't many areas they build in that have any moisture at all.

Laura also asked Jim what kind of cost a vapor barrier adds to a 3,000 sq. ft. house.

Jim said it would add \$300 - \$500 depending on the size of the home, but it causes more problem than the expense because it probably gets holes poked in it by the concrete guys.

Mr. Rivera mentioned that we do have water problems in town that need to be addressed as well.

Chairperson Richardson asked for any more questions regarding this case. He then asked Mr. Rivera for his recommendation on removing vapor barrier requirements from the city ordinance.

Mr. Rivera recommended that we keep this requirement in the city ordinance because it is in the code book and there are areas in town that have more water problems than others and he does not want those areas to suffer if this requirement is removed.

Chairperson Richardson asked Jim Strawn if he has any additional statements.

Jim stated that vapor barrier isn't required in Wichita, McPherson, Lindsborg & all those other towns. Contractors are being required to do things here that aren't being required in other communities. He said that they deal with the water issues with the drain tile they install. The builder needs to be responsible enough to know what they're doing for those areas that have more water problems than others. Jim said they're taking the precautions for water problems where there aren't even water problems. After putting the vapor barrier down, he can't guarantee that it'll be able to act as much of a vapor barrier.

Chairperson Richardson and Laura Meyer Dick commented that they would like Kelly McMurphy's opinion on this matter.

Chairperson Richardson asked Mr. Rivera if there was any weight in having a vapor barrier vs. a drain tile system.

Mr. Rivera stated that there is nothing regarding drain tiles in the code book, but there is regarding vapor barriers. Drain tile should be put in addition to address the excess moisture on the property. Jim said all that moisture barrier is going to do is hold that water under the floor, if you get enough pressure on that, it may move the floor.

Chairperson Richardson asked for any more questions regarding this case.

Chairperson Richardson commented that he would like a to do a little more thinking on this topic.

Dusty Moore agreed, from personal experience he likes the vapor barrier under the concrete and doesn't think that a couple hundred more dollars would stop somebody from building a home here. Dusty stated that he has had 2 new homes in his life, he's had water coming up through the floor in one and the one he's in now, the sump pump runs every time it rains. He thinks a little extra guarantee to not have water coming up through the floor seems like a small price to pay for a little more insurance in case the drain tile gets backed up or has tree roots growing through it.

Chairperson Richardson commented that he isn't too familiar with the residential work but they're not a fan of putting it down on their concrete slabs for their commercial jobs. But they don't plan to put flooring down over it either. He commented that he could see it both ways, he would like to ask some other professionals their opinions on this matter.

Jeff Thomson and Ron Sturgeon agreed

After unanimous decision Case No. 2021-002 has been tabled for further investigation.

Mr. Rivera requested for notification to schedule another meeting to discuss Case No. 2021-002 regarding vapor barriers. Mr. Rivera is going to check the city ordinance on the meeting frequency of the Building Trades Board to determine a date to schedule the next meeting.

5. Adjournment

There being no further business, Chairperson Mr. Jon Richardson called for a motion to adjourn. Motion to adjourn was made by Ron Sturgeon and seconded by Laura Meyer Dick. All board members agreed to adjourn.

Jon Richardson
Chairperson

Ismael "Izzy" Rivera Jr.
Building Official