



**MINUTES  
BUILDING TRADES BOARD MEETING  
April 27, 2021**

**1. Roll Call:**

| <b>VOTING MEMBERS</b>               | <b>PRESENT</b> | <b>NO. MEETINGS HELD<br/>SINCE<br/>APPOINTMENT</b> | <b>NO. OF<br/>MEETINGS<br/>ATTENDED</b> |
|-------------------------------------|----------------|--|---|
| Jon Richardson, Chairperson         | Yes            | 2  | 2                                       |
| Kelly McMurphy, Vice<br>Chairperson | Yes            | 2  | 1                                       |
| Josh Barkley                        | No             | 2  | 1                                       |
| Laura Meyer Dick                    | Yes            | 2  | 2                                       |
| Brett Leiker                        | Yes            | 2  | 2                                       |
| Dusty Moore                         | Yes            | 2  | 2                                       |
| Paul Phillips                       | No             | 2  | 0                                       |
| Ron Sturgeon                        | Yes            | 2  | 2                                       |
| Jeff Thomson                        | Yes            | 2  | 2                                       |

**Also in attendance were:**

Ismael "Izzy" Rivera Jr.  
Sadie Wright  
Andrew Becker

Building Official, City of Hutchinson  
Secretary, City of Hutchinson  
Building Inspector, City of Hutchinson

**2. Public Forum**

No public comments were made.

**3. Approval of Minutes of March 23, 2021**

Chairperson Richardson asked if there was a motion to approve the minutes from the March 23, 2021 meeting.

Ron Sturgeon motioned to approve the minutes.

Laura Meyer Dick seconded the motion.

Chairperson Richardson asked if there was anyone who does not approve of the minutes.

There was nobody who did not approve of these minutes.

### **3. Consider Case No. 2021-001**

Chairperson Richardson asked if the appealing party / applicant was in attendance.

Mr. Rivera stated that the applicant was not available to join the meeting today.

Chairperson Richardson asked if any of the Building Trades Board members have a conflict of interest in this case. If so, please let us know and step down until the next agenda item is called.

Kelly McMurphy asked Chairperson Richardson what our agenda item is.

Chairperson Richardson explained that this agenda item is to discuss revising City Ordinance No. 2015-47, Article I. The Building trade license and certification in regards to changing the ordinance to make it so sub-contractors working under a general contractor don't have to be licensed with the City of Hutchinson.

Ron Sturgeon asked Mr. Rivera if he had the city attorney look over the language that was discussed in the previous meeting to make the change to the ordinance.

Mr. Rivera replied and said yes, he did and that it was a part of the packet that was sent out to the board prior to this meeting.

Chairperson Richardson stated that since we have started discussion on this case lets go ahead and discuss it, it doesn't look like anyone has a conflict of interest.

Mr. Rivera stated to Chairperson Richardson that the applicant did not have any concerns regarding this agenda item. The board is more than welcome to discuss this item and take action or table it until the next meeting. Mr. Rivera said he does have some additional information he would like to bring up to the board when they get to that point.

Chairperson Richardson stated that he would like to move forward with investigating this unless anyone else thinks they should table it. He stated that he thinks it's worthwhile looking into the change of the ordinance and what exactly that would change.

Kelly McMurphy agreed with Chairperson Richardson.

Chairperson Richardson asked if they could move forward with this change and what all it would entail

Mr. Rivera presented a PowerPoint presentation to the board regarding Case 2021-001.

Kelly McMurphy clarified with Mr. Rivera about the city's change to residential roofing licensing is making it where they city is in compliance with the State of Kansas's regulations.

Mr. Rivera replied and said yes, that is correct. This was brought to his attention by one of his staff members and that is why the city is making this change that was not presented last time because he doesn't want to violate state laws.

Jeff Thomson stated that he had just recently talked with state attorney general's office about this same thing. He said that in his conversation with their office they stated to him that there is an opinion written about this. The spirit of this opinion is to stop people from rushing into town after hailstorms to do as much work as quick as they can. Jeff said that he would need to go back and look at his notes from their conversation but there was something about the geography and if you were from outside the area. It wasn't really intended to stop contractors who live & work in that area from roofing without this certificate. Jeff asked that more research be done on this issue. He stated that he'd be willing to dig up his notes from that conversation and a copy of the opinion they emailed to him. Jeff had called the attorney general's office because he had a question about needing to hold a State of Kansas Roofing Certificate for the work he was doing in Rice county and they assured him that he did not fall into that particular piece of legislature.

Chairperson Richardson clarified with Mr. Rivera that a Class A, B or C general contractor would need to have a licensed residential roofing sub-contractor if that general contractor hires someone else to do the roofing on their jobs.

Chairperson Richardson stated that he thinks this change is reasonable, but he wants to make sure there's nothing we aren't seeing that we are creating an issue for.

Mr. Rivera stated that all he is doing is separating this residential roofing license for the Class A, B and C contractors who don't have the State of Kansas Certificate to do roofing, they're still able to hire someone who does have that certification to do the roofing for them if needed.

Chairperson Richardson asked Jeff Thomson to explain his concern a little more for clarification.

Jeff Thomson said that they (Interfaith Housing) do residential roofing and they use volunteers. He said they pull the necessary permits to do this roofing work, but they do not have the specific roofing certifications. This was his concern because they do roof repairs / replacements for the disabled, elderly, low income, etc. so a lot of these have to do with a roof.

Chairperson Richardson asked Jeff Thomson if they consider their volunteers to be "employees" on their jobs.

Jeff said that he doesn't believe the state looks at them as employees, but as volunteers. Jeff stated that he was still trying to find his notes that the state attorney general's office sent him, but he can't come up with them quick enough at the moment. He told Chairperson Richardson that he he's looking to vote on this and push it through then that's fine.

Chairperson Richardson stated that he was more concerned that if the state classified Jeff as a contractor and his volunteers almost as employees versus them being a sub-contractor. He wants to make sure we are going down the same path and not making different distinctions.

Jeff Thomson agreed and said yes, when you put it that way his volunteers would be considered more as an employee than a sub-contractor. Jeff stated that his concern with this is now the city is asking every general contractor in town that doesn't have a roofing certificate that is doing roofs to go out & get this roofing certificate. He thinks this is a specific piece that is separate from the general contractor license.

Mr. Rivera stated that if you look at the contractor license classifications sheet all Class A, B and C are required to have a State of Kansas Roofing Certificate. This is stated as a requirement on all three of the general contractor licenses if they want to do roofing. If they don't want to do roofing, they don't have to have this certificate, but whoever they hire to do roofing needs to have it.

Jeff Thomson stated that if he thought this topic would come up in conversation he would have found the opinion & notes the attorney general's office sent him.

Chairperson Richardson stated that he thinks it is important for our community that we nail this down. He said that in his opinion he doesn't see this extra specialty residential roofing license is a big deal. He doesn't want to hold up Jeff's situation and create an issue for him to be able to improve our community with volunteers, if he is able to be the contractor to oversee things then it should be perfectly fine.

Mr. Rivera asked Jeff Thomson if he is a Class A general contractor.

Jeff Thomson replied and said yes, he is does hold a Class A general contractor's license.

Mr. Rivera clarified with Jeff that Jeff does not have a roofing certification. Mr. Rivera then stated that since he does not have a roofing certification then roofing is the only thing he legally can't do.

Jeff Thomson stated that the attorney general's office told him he can do roofing per the conversation he had with their office.

Kelly McMurphy respectfully asked Jeff to provide that conversation to the board. He stated that he is not questioning Jeff on if he had this conversation or not, he is interested in what the attorney general's opinion is on this matter.

Jeff Thomson stated that he would like to present that conversation. The reason he made that phone call to the attorney general's office is because he thought he had to get that certificate. He stated that he was told by their office that he did not need to obtain this certificate. He stated that he will get the notes from that conversation he had to present that to the board.

Chairperson Richardson stated that he feels like they are headed towards a table on this item, but he wants to make sure that there are no other issue that they need to investigate so they're not wasting

time tabling it for another time. He asked if there was anything more Mr. Rivera wanted to present on this item.

Mr. Rivera said yes, there was more he'd like to discuss. He said there is a House Bill he has a copy of that discusses this specific roofing certificate topic. He stated that he can forward this bill to the board and since they're going to have to meet again, it may be a good idea to table this that way Jeff has time to collect his information on the conversation he had with the attorney general's office and everyone has time to get more general information on this.

Chairperson Richardson asked if there were any more questions or issues on this that they need to investigate before meeting again.

Chairperson Richardson entertained a motion to table this item.

Kelly McMurphy moved with the motion.

Jeff Thomson seconded the motion.

Chairperson Richardson stated that he wants to make sure we get this right, so they don't have to come back in 6 months to redo this.

Mr. Rivera asked Jeff Thomson what category non-profit he is considered.

Jeff said that they're housing non-profit, Interfaith Housing.

Mr. Rivera asked if there was no specific classification or numbering for what non-profit organization they are. The reason he asked this is to possibly add in the city ordinance that certain types of non-profit organizations are exempt.

Jeff replied that he will look for that information and get it over to Mr. Rivera in the next day or two.

Chairperson Richardson asked what the rules are if a homeowner is working on their own house, if the homeowner had friends working or if a church group came over to help work on the house. He asked where the line is drawn on the different situations with people helping the homeowner work on roofing.

Mr. Rivera said that homeowners can still do roofing on their own home, they can retain the services of their family members, technically they're not supposed to use friends. But it's more of a monetary thing, if you pay somebody then they become an employee.

Chairperson Richardson asked if that's where the separation is on the volunteers.

Mr. Rivera stated that is correct. A lot of religious organizations have these kinds of groups, as long as they work under that umbrella, they're somewhat exempt. They do qualify in his opinion as employees of that organization.

Chairperson Richardson stated that since this item is tabled, we will investigate it more and get some more information on it.

Mr. Rivera agreed and said that he will provide them with the rest of the information they requested.

Chairperson Richardson stated that they're going to move on to the next topic unless anyone has anything else to say.

Kelly McMurphy stated that they're good to move on.

#### **4. Consider Case No. 2021-002**

Chairperson Richardson asked Mr. Rivera if he had anything to present on this case. Then asked if this is something they need to table since the applicant is not in attendance.

Mr. Rivera said that he would recommend this item be tabled because the applicant does want to express his concerns on this item.

Chairperson Richardson stated that he also thinks that the applicant would want to be involved in the discussion on this item.

Chairperson Richardson entertained a motion to table this subject.

Laura Meyer Dick seconded the motion then stated that she thinks they are required to give the applicant at least 3 days' notice so she doesn't think they can take action on it because it is a public meeting and they didn't give him 3 days' notice.

Chairperson Richardson said they will table this item and that'll take care of that issue as well. He then stated that they need to make sure to give Mr. Strawn plenty of notice.

Mr. Rivera said that yes, he would be calling him once they discuss the next item on the agenda.

#### **5. Discuss future regular board meetings.**

Mr. Rivera stated that one of the things discussed in the last meeting was the specific date on the calendar for meeting for this particular board. There is nothing in the city's ordinance regarding that, so it can be pretty much whatever the board wants. He stated there was some interest with the meeting being on the fourth Tuesday of each month because that's what was discussed in the past. If that's what the board would like then they can continue doing it on the fourth Tuesday unless it's a special meeting, then they can call for a special meeting. Mr. Rivera asked if the board would be comfortable with the fourth Tuesday of each month.

Chairperson Richardson asked the board if there were any issues with scheduling to do it at 4:00 PM on the fourth week of the month?

Dusty Moore said that sounds fine to him.

Chairperson Richardson stated that he thinks they have a consensus, at least nobody is arguing.

Mr. Rivera said that he will see if the city can add that into the ordinance so that way in the future they don't have the same issue in case there is new staff or new board members that way everybody understands when the board meets.

Mr. Rivera stated the other discussion on holding future board meetings, is how would you like to hold these meetings? They can either do them in person or via Zoom. Or they can decided on a case by case basis.

Chairperson Richardson said he thinks when they have meetings where they're just going over case studies or going over code reviews holding the meeting via Zoom is fine. He doesn't think it's fair to the applicant if they're not able to hold the meeting in person, there's something that's lost if the applicant is trying to present their case as best they can if they're doing it over Zoom. To be fair to anyone that's trying to present their case doing it in person is important.

Mr. Rivera said that's fine, he just needs to know how he needs to schedule future meetings. He stated if there is an applicant who wishes to present a case to the board then that can be scheduled in person. If it's just a discussion matter, then they can probably do that via Zoom. Mr. Rivera asked if that would be acceptable to the board.

Chairperson Richardson asked the board if anyone had any opinions on that and asked the board if they had something they wanted to see changed, if they would rather do it in person or over Zoom. Chairperson Richardson also stated that they could leave it to the applicant to decide if they would prefer a in person or Zoom meeting.

Dusty Moore stated that he prefers any meeting in person versus Zoom, it's easy to get distracted while on a Zoom meeting.

Kelly McMurphy stated that it is always better when presenting to a group to have everyone's attention and having them in the same room to be able to look them in the eye, you feel like they're listening. Kelly stated that he agrees, if it's an applicant presenting to the board, he believes it should be in person rather than via Zoom.

Chairperson Richardson stated that it sounds like the next meeting will be in person with the applicant.

Mr. Rivera said yes, that's how he will schedule it.

Laura Meyer Dick asked if there could be an option for someone to join the in-person meeting via Zoom in case someone is traveling they could still have a quorum.

Mr. Rivera said that he will need to find out from the legal department what they can or can't do regarding that. He sees it one way or the other. He doesn't know if it can be a hybrid of the two.

Laura Meyer Dick said that legally it can be a hybrid. She said that she is on the school board and this is how they hold some of their meetings, it's a matter of if you have the technology to do so would be the only issue.

Chairperson Richardson stated that it sounds like they have a plan for scheduling meetings, they'll do in person meetings especially if there is an applicant.

Mr. Rivera said that he could send out an option to the board with information on the topics of that meeting then they can decide if they want to do the meeting in person or via zoom. For the exception when there is an applicant, all applicant meetings will be in person.

Chairperson Richardson stated that is the fair thing to do for the applicants.

Ron Sturgeon asked since the two items were tabled, if they will be put on next month's agenda or have a special meeting between now and then.

Mr. Rivera stated that is up to the board to decide.

Chairperson Richardson asked if either of these issues are time sensitive.

Mr. Rivera said not necessarily, at least not for them. The city has already started implementing option #1 since they know it'll go through; he doesn't want to make the contractors wait for that. It's just a formality at this point, as contractors are calling in for permits the city has been allowing them to follow the new format. But as far as the second part of it, that is still in effect.

Chairperson Richardson stated he doesn't see a reason to have a special meeting unless anyone has a difference of opinion on that.

Kelly McMurphy stated that he will not be able to attend on 5/25/2021, he will be out of town.

Mr. Rivera stated that Kelly is the one they really need there, that's why they tabled this item the first time was so they could get Kelly's input on it.

Kelly McMurphy stated that he wrote Mr. Rivera his opinion on this item and why he thinks vapor barriers are necessary and agrees with the exceptions.

Mr. Rivera said that he would still like Kelly to be in attendance in case of any questions that may come up, he would like Kelly's input on those to help the board to make a more informed decision.

Chairperson Richardson asked if they need to plan on having a special meeting between now and the fourth Tuesday so that Mr. McMurphy can attend.



Mr. Rivera said yes, that would be best. He asked Kelly McMurphy if there was a day he could be available so they can check & see if the rest of the board will also be available for that day.

Chairperson Richardson asked if Tuesday May 11<sup>th</sup> works to hold the special meeting to discuss the topics they tabled & to make that their May meeting.

Dusty Moore said that works for him.

Chairperson Richardson asked if anybody had an issue with holding the meeting on 5/11/2021.

Laura Meyer Dick said she does have another meeting that same day at 4.

Mr. Rivera asked if they are still going to have it on May 11<sup>th</sup>.

Chairperson said he thinks so, yes. Unless Laura is offended that she won't be able to be there.

Laura Meyer Dick said no, she covered what her concerns were in the first meeting. She just wants to make sure they take care of Interfaith Housing since that is an important program and not make it more complicated for them.

Chairperson Richardson stated 4:00 PM on 5/11/2021.

Mr. Rivera said yes, he will let the applicant know.

Chairperson Richardson asked if there was anything else they needed to go to or do they want to move for adjournment

## **6. Adjournment**

Chairperson Richardson moved to adjourn.

Dusty Moore motioned to adjourn.

Laura Meyer Dick seconded the motion.



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Jon Richardson  
Chairperson



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Ismael "Izzy" Rivera Jr.  
Building Official