



**MINUTES
BUILDING TRADES BOARD MEETING
May 11, 2021**

1. Roll Call:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Jon Richardson, Chairperson	Yes	3	3
Kelly McMurphy, Vice Chairperson	Yes	3	2
Josh Barkley	No	3	1
Laura Meyer Dick	No	3	2
Brett Leiker	Yes	3	3
Dusty Moore	Yes	3	3
Paul Phillips	Yes	3	1
Ron Sturgeon	Yes	3	3
Jeff Thomson	No	3	2

Also in attendance were:

Ismael "Izzy" Rivera Jr.
Sadie Wright
Jim Strawn

Building Official, City of Hutchinson
Secretary, City of Hutchinson
Applicant

2. Public Forum

No public comments were made.

3. Approval of Minutes of April 27, 2021

Kelly McMurphy motioned to approve the minutes.

Dusty Moore seconded the motion.

3. Consider Case No. 2021-001

Mr. Rivera presented for the City of Hutchinson on Case No. 2021-001.

Chairperson Richardson asked Mr. Rivera where they ended up with some of Jeff Thomson's Concerns from the last meeting.

Mr. Rivera said that the state has already addressed that in the state laws, if his company wants to be exempt from holding the KS Roofing Certificate, they just need to request a letter from the state showing they are exempt and provide that to the city. Nothing was really changed regarding that licensing requirement in the city's ordinance since it's already in the state law.

Mr. Rivera stated that you really have to be a nonprofit company to be exempt from requiring a Kansas Roofing Certificate.

Chairperson Richardson asked if the applicant wants to speak on this item.

The applicant, Jim Strawn thanked the board for assembling to hear his cases. He verified with Mr. Rivera that as long as you carry a Class A, B or C license, their sub-contract siders, framers, etc. don't need to be licensed & the responsibility lies on the general contractor. And as far as liability insurance, that is handled between the general contractor and their sub-contractors. Jim stated that he is good to go on this item.

Chairperson Richardson asked for a motion to approve this agenda item.

Kelly McMurphy motioned to approve.

Dusty Moore seconded the motion.

Chairperson Richardson asked for a vote.

Sadie Wright called roll call for the vote.

Richardson: Yes	McMurphy: Yes	Barkley:	Dick:	Leiker: Yes
Moore: Yes	Phillips: Yes	Sturgeon: Yes	Thomson:	

Chairperson Richardson stated that since they have met the quorum criteria it looks like this has been approved. He then asked Mr. Rivera if this will be presented to City Council for final approval.

Mr. Rivera said yes, he will get with the city attorney before taking it to City Council.

4. Consider Case No. 2021-002

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

Dusty Moore asked Mr. Rivera what the minimum requirement is for vapor barriers.

Mr. Rivera replied and said 6 mil is the minimum requirement. He then read Kelly McMurphy's comments from an email he sent Mr. Rivera regarding his opinion on vapor barriers.

Dusty Moore stated that one of the articles that he was provided says that 10 mil vapor barrier is required.

Mr. Rivera replied and said that the code requires 6 mil. The building code is the minimum requirement.

Kelly McMurphy stated that they got away from using 6 mil polyethylene because it was just getting torn up during the installation process. They have moved to a different brand and a much heavier vapor barrier. Kelly is noticing that any adhesives, etc, if you don't have that vapor barrier, all that stuff you put down is popping back off or failing & not sticking. Sometimes, for guys who put that vapor barrier in, and it's been damaged or installed improperly they have had to go back and apply a topical vapor barrier to keep the moisture at least in the slab so it doesn't go up through the slab and the carpet adhesives will work.

Mr. Rivera stated to please keep in mind that commercial and residential construction sites are quite a bit different. There's a lot more traffic and more things going on at a commercial site than a residential site. It's a little easier to control a residential project than a commercial project. This is why a 6 mil is sufficient in a residential property.

Chairperson Richardson asked Mr. Rivera about an item in the current code that says it could be exempt per code official reviewing it and signing it.

Mr. Rivera said depending on the conditions of the property, but testing would have to be provided to him showing that there is very little moisture there.

Chairperson asked if he had any examples.

Mr. Rivera said after speaking to the city attorney he understands that they have water underground, so he's not sure how that's going to affect us. Once they get samples showing that there is very little water there, he can possibly accept those results.

Chairperson Richardson asked about the topical solution that Kelly McMurphy mentioned, if the product were brought to Mr. Rivera from someone who would rather do something on top rather than deal with the plastic underneath.

Mr. Rivera said that it has to be comparable to a 6 mil vapor barrier. If it meets those requirements, then he doesn't have a problem with it. He said that from reading different things he has come across that it's not always good to have it inside, it's better to have it outside stopping the vapor before it comes in. He then stated that he is just meeting the intent of the code. If someone could provide him with a product to use inside that is equivalent to what a vapor barrier does, he would accept that.

Chairperson Richardson stated that he is trying to think of both sides, if the main goal is to make sure the flooring products are sticking properly, if they can accomplish that with a topical solution rather than a vapor barrier underneath. Knowing that is kind of a band aid to the original intent on some of the commercial side. If that is the goal, trying to make sure the flooring is sticking properly.

Mr. Rivera said that's just one of the goals. Once again, all he would need is documentation that it is equivalent to or meets the intent of the code and he would accept that all day long because there are alternate ways of doing some things.

Kelly McMurphy stated that he isn't saying that the topical vapor barrier would be his preferred method of doing it, but if you've got the issue or they have found on slabs that have been down awhile that have had vapor barrier put underneath them 20-30 years ago, that the 6 mil poly has been worn out due to time, age, chemicals in the soil have put holes in the vapor barrier now they're coming back. He looks at it from an architect's perspective on his commercial work, you don't want to do the work and then 6 months later have the owner saying the flooring products are not sticking anymore and have to go back in to fix it. This is one example of why he thinks the vapor barrier is important on his projects because if you ever put finished flooring on the floor, you need that vapor barrier.

Brett Leiker asked how often people are putting VCT & glue down carpet in their basements, isn't it usually stretched carpet or tile?

Mr. Rivera stated that he has seen some basements that do have glue down carpet, but very few. There are some with tile but those are usually in older homes. The difference between residential and commercial is drastic so that's something to keep in mind. Mr. Rivera said that he doesn't mind accepting alternate methods, he just needs the contractors to meet the intent of the code. If there is a product a contractor wants to use inside the home as a vapor barrier and it is equivalent or better than what's in the code book, he will accept that.

Dusty Moore asked if the if the intent of this code is just for moisture or is it also covering radon gases.

Mr. Rivera said it addresses gases as well, but the primary cause of issues is vapor.

Brett Leiker verified with Mr. Rivera that this code is addressing just residential, not commercial.

Mr. Rivera stated the theory is the same with commercial and residential, but the degree is totally different.

Brett Leiker stated that in residential work, when a contractor digs the hole, and you see something that either needs done or not done that can be determined then because there are certain areas where it wouldn't be necessary, but you'll know that when you dig the hole.

Mr. Rivera said that is when the contractor would give him the report of the soil.

Brett Leiker asked if a site visit from Mr. Rivera to determine if a vapor barrier is required would be sufficient.

Mr. Rivera said, no there would have to be a report from a field inspector who has done a core sample of the soil.

Chairperson Richardson stated that by the time you pay a company to do the core sample, you've already paid for the cost of installing the vapor barrier and you may end up still having to install the vapor barrier after you've already paid for the core sample.

Kelly McMurphy said that he'd be interested to hear what Jim Strawn's thoughts are on this.

Mr. Rivera said Jim will be speaking on this.

Brett Leiker asked Mr. Rivera what is required by the city for drain tile.

Mr. Rivera said that there is not a drain tile requirement in the city code, that would be up to the contractor to install that if they wish to. He stated that the code is the minimum requirements, it is very vague, broad, it allows the contractors to use whatever method as construction changes. The difference between vapor barrier and drain tile is that drain tile directs water away from the home, vapor barrier keeps vapor from coming up through the slab.

Chairperson Richardson asked if anyone had any other questions for Mr. Rivera.

Chairperson Richardson asked Jim Strawn if he would like to address the case.

Jim Strawn stated that they've built probably hundreds of houses here and it wasn't until a year ago they were asked to put plastic down. They're not required to put drain tile in these homes, they install it in each of their homes and run it around the perimeter and under the house into a sump pump. When they run it under the house, they put a sleeve over it to keep the gravel off of it. When you're dealing with vapors like radon, there's no way you can stop radon from getting in the house if you don't have some kind of a negative pressure fan sucking on the basement floor. The drain tile will pick up any moisture and vapor and will take it to the sump pump. Vapor can get into the house through cracks in the concrete and through the sump pump, so there's no real vapor if you put drain tile in. He said that there are several subdivisions in town that have wet areas. Nowadays most people are doing LVP because it's snap together, cheaper, easy to install/remove and it's waterproof. He stated that you're not going to stop moisture from getting into a basement even with plastic or drain tile under the floor. His interpretation with this item when it started is that when the code says "on grade" means on top of the ground and a basement means below grade. When they build a slab house, they always

put plastic under the slab house but when they do the drain tile it just seems senseless to use the vapor barrier. Jim said that he is happy to answer questions if anyone has any for him.

Kelly McMurphy stated that they are pulling up the carpet in the basement of his house and going to be putting the vinyl plank flooring in. They aren't going to back down with something on the basement floor that is going to stick because he's not going to pay to have a topical put down because the reasons Jim Strawn just said. Kelly's fear is that if you build a house for somebody and didn't put the vapor barrier in and they wanted to do something on the floor slab later, adhere something, would that open the contractor up to a lawsuit by someone saying that vapor barrier is required by the code and you didn't do it. Even if it failed you can at least say it was there and it's documented it was there because the city came out and inspected. His thought is trying to protect the builders that they've done it the best practices, not to say it still can't fail.

Jim Strawn said that best practices for them right now is the drain tile, no matter where they're building at. That's their insurance. Jim stated that you can always get water in a basement from things like a sprinkler system, water line burst, there is no way to tell what's going to cause moisture to get to where it gets. It would probably cost them \$600-\$800 a house to put the plastic under the slab, typically when the guys are pouring the concrete the plastic gets holes in it, so it's really not doing much. It's inevitable to stop moisture, you've got plumbing & rebar coming up through the floor. You'd have to be pretty intense to stop all the moisture coming up through the floor and around all the other penetrations. He stated that he knows everyone is pretty set on keeping the vapor barrier and that he's not there to try to change their minds. He's just trying to keep his houses somewhat affordable, that extra \$600-\$800 is chump change at the end of the day. He doesn't like it because it causes them problems. He talked to another engineer about it, and he brought up putting plastic down and then sand on top of that, he read in one of the articles that, that is called sandwiching and it causes problems. It's just hard to think that they're having to put the plastic down and all that pokey wire goes on top of it and people are walking all over it, no matter what you're not going to stop it from leaking.

Dusty Moore asked Jim Strawn that at least on the big areas where the plastic is and the drain tile is not, would the vapor barrier help direct the moisture to the drain tile?

Jim stated as the water comes up it just floats, so the water is always going to be flat & level. They typically have sand under their floors and as that water comes up it floats out to the drain tile. Jim stated that he understands the board doesn't feel comfortable removing this vapor barrier requirement from the code.

Kelly McMurphy stated that he was interested to hear Jim's perspective on this item. He knows that on the commercial side the contractors like it because it gives a little feeling of insurance. Kelly stated that on his commercial jobs with the 10 mil they make them wrap every drainpipe, rebar, etc. and it gets fairly intense. So that would get even more expensive than what Jim was talking about.

Jim Strawn thanked the board for their time and commented that he was really happy to get the licensing change accomplished and he will be happy with whatever the board decides regarding the vapor barrier item.

Brett Leiker asked Jim Strawn how many basements he has put in around the Hutchinson area.

Jim Strawn said three since the city started telling him he needed to put plastic under the slab. They haven't ever had any problems with the previous basements they put in without the plastic.

Brett Leiker said that it's kind of a chance you take when you do a basement in a wet area, plastic isn't going to keep water from coming into a basement.

Kelly McMurphy said that he thinks that they're sometimes talking about two different things, he thinks they're talking about moisture vapor and vapor barrier versus water. Hydrostatic pressure underneath the floor slab, those are two completely different things. If you've got that much water coming in, then that vapor barrier won't do very good.

Chairperson Richardson said if you're running a negative pressure and running a dryer or something and it's pushing all the air outside the house.

Kelly McMurphy said in the winter he doesn't have any problem with his basement floor slab in his house because the air is so dry, and his furnace is running. Then, in times like we've got right now where things are doing a little funky temperature and humidity wise, and he can go downstairs and tell the areas in the floor slab that are damp.

Ron Sturgeon said he knows this is on the commercial side, but he has a concern about coming out & doing the boring to determine if it's dry enough. There are three commercial buildings in the 30th & Plum area where some of them have drain tile and some of them don't have drain tile but that is an area where they normally think the water table is at 20 ft. But, 3-4 years ago when they had a high-water table, those buildings got physical water in the basement. One of them that he knows when it was built 50 years ago had drain tile put around the outside. For 40 years it never had any water in the drain tile, the pump had failed because nobody ever knew. That building had physical water in it with a 10 ft basement. So, he doesn't know if a core drill in a dry season, then everything's going to be fine on it.

Mr. Rivera stated that's why they would need the core sample to be done by a professional who can make that determination.

Kelly McMurphy stated that with what Ron said, DCI's building where Hutch National was for years, built in about 1969 never had water and about 4-5 years ago when the water table got real high. They put in 4 dewatering wells that have run continuously to get water out of there, to keep water out of their basement. Kelly said that his construction inspector lives out in the 20th & Lorraine area, he swears that he never had water in his basement until they realigned K-61. They did something with the shelf of water that came down that way and they've redirected some of that water and now it's going through his neighborhood and now has water in his basement. He's had several people who live in that area tell him that it wasn't until the K-61 construction when they started getting water in their basements. Kelly stated that he wants to make sure the builders are protected so it can't come back on them that they did something wrong, and they get penalized for that.

Dusty Moore stated that he is more concerned that drain tile isn't required around a basement.

Kelly McMurphy said that it's just like Mr. Rivera said, the building codes are written for everywhere, not just Hutchinson, KS. And like Jim Strawn said, if you dig a basement here more than likely you're going to need to put in drain tile.

Ron Sturgeon said he can expand on the commercial buildings in Hutchinson that have water pumps in the basement. But, as a mechanical contractor, they deal with humidity on a daily basis in the summer and he feels like anything they can do to help is more than worthwhile. You take a homeowner who puts in dehumidification in their home, over a long period of time they're going to pay more than what the vapor barrier costs up front. Ron stated that he hates to disagree with Jim, but he feels like it is essential. He feels that they need to be using the heavier vapor barrier to prevent the holes getting poked in it during installation.

Mr. Rivera stated to keep in mind that this is not for water, it's for vapor.

Chairperson Richardson asked Mr. Rivera if he had any other comments to make on the subject.

Mr. Rivera said no, other than the city still wants to meet the intent of the code by keeping this requirement in the ordinance.

Chairperson entertained a motion to leave this ordinance as is.

Paul Phillips motioned to leave it as is.

Kelly McMurphy seconded the motion.

Sadie Wright called roll call for the vote.

Richardson: Yes	McMurphy: Yes	Barkley:	Dick:	Leiker: No
Moore: Yes	Phillips: Yes	Sturgeon: Yes	Thomson:	

5. Schedule next regular board meeting.

Chairperson Richardson asked if we were going to shoot for the next fourth Tuesday of the month for the next board meeting.

Mr. Rivera said we can schedule it for the fourth Tuesday of the month if we need to. He would like to make a minimum once a year for elections and for what the board would like the city to look into based on what they hear around town.

Chairperson Richardson said that he doesn't think they need to meet every month, but at least try to make the effort to think of things they could do or as they come across things in their everyday activities they could discuss. They could meet quarterly for a minimum then if something comes up between then they could meet.

Mr. Rivera asked if they'd like to schedule the next meeting.

Kelly McMurphy asked about scheduling it the fourth Tuesday in June.

Chairperson Richardson said that would be the 6th month, so the next meetings would be in September then December.

Kelly McMurphy stated if the inspections department gets a reason, they need to meet then they can set a special meeting.

Chairperson Richardson said there's nothing stopping them from getting items together to add to each meeting to discuss and doing it that way.

Ron Sturgeon said that there was a time where there was a code in the city where all commercial licenses vehicles had to be marked. Today there are hundreds of unmarked vehicles around town. With the imposters out there, he feels like the legitimate contractors have marked vehicles, but where are all these unmarked vehicles coming from that you just don't know.

Brett Leiker said that his vehicles are unmarked. He said they don't have to have everything marked to run around.

Ron Sturgeon stated that was just his personal feeling that they need to be marked. He also thinks it's getting to the point where they need to carry identification on them. Ron asked Mr. Rivera if city employees have to carry something around showing they are city employees.

Mr. Rivera said they have it on their vehicles, there are some states out there who have state agencies who regulate that whereas the State of Kansas does not. He understands this was a requirement in Hutchinson at some point, but he can't seem to find it in writing. If this is something the board wants to discuss there is something he could put together to take it further.

Chairperson Richardson said to Ron's point, this is usually the time of year they get roofing contractors from all over the place after a storm. There are a lot of people in town who could be taken advantage of pretty easy. Even if it's just a magnet on the side of your truck, maybe this is something we should start doing.

Mr. Rivera said they'll put something together for discussion, he needs to find out what they can legally do then he will present it.

Ron Sturgeon said if you look back in old city codes, he thinks you'll find that requirement.

Kelly McMurphy said he definitely notices in Wichita, when you drive around it'll have their Wichita license number on the side of their vehicles.

Mr. Rivera said that some citizens like to see that so when a vehicle approaches their home, they know who is coming, but it also does make you a target.

Brett Leiker said once you consider the cost of decals for all your equipment and your insurance is also higher because you've gotten hit numerous times. They've had very good luck since they stopped decaling their equipment.

Dusty Moore said a lot of people don't like decals on their vehicles in the case that they travel for work and they're dodging the DOT. Once you cross state lines that's a whole different situation if you have those decals on your vehicle.

Brett Leiker said back when they did have decals on everything, they would get pulled over because they had decals and didn't have their weight limit on there. If you have decals you need to have your weight limit as well, they are all legit & everything, they just didn't have the weight limit posted on the vehicle.

Mr. Rivera said he will get with legal on this.

Brett Leiker said it's one of those things that leads to more stuff and if you want to use it for personal use, it's a choice you make as a business owner.

Mr. Rivera said this is a good topic for discussion next time.

6. Adjournment

Chairperson asked for a motion for adjournment.

Dusty Moore motioned to adjourn.

Ron Sturgeon seconded the motion.



Jon Richardson
Chairperson



Ismael "Izzy" Rivera Jr.
Building Official