

Contact: Eric Broce  
Phone: (620) 441-4420  
Fax: (620) 441-4403  
[ebroce@arkansascityks.gov](mailto:ebroce@arkansascityks.gov)

Public Works Department  
City of Arkansas City  
118 W. Central Ave.  
Arkansas City, KS 67005



# Press Release

## Building Trades Board preps for 2015 code cycle, holds hearing

*Board members determine they have no standing to act on citizen complaint*

ARKANSAS CITY, Kan. (March 1, 2016) — Tonight will be the first of at least 21 joint meetings of three area trades boards to discuss, modify and implement the 2015 International Code Cycle (ICC).

The City of Arkansas City's Building Trades Board, in conjunction with its fellow advisory boards in Wellington and Winfield, will be working through this spring to move all three cities to the new code.

Board members will participate in biweekly meetings on Tuesdays or Thursdays in March, April and May that concern their particular disciplines. Each trade will have two or three meetings per month.

All meetings will be from 6 to 8 p.m. in Room 605 at the Winfield Public Library, 605 College St.

Neighborhood Services Superintendent Richard Brown, the City's code enforcement official who is an ex officio member of the board, is an electrician by trade, but he will sit in on all of the code meetings.

The electrical code meetings will be March 1, 15 and 29; April 12 and 26; and May 10 and 24.

Winfield building official Rod Haney, who filled in as a temporary code official on a part-time basis in Arkansas City until Brown was hired last October, will guide the builders and sit in on all meetings.

The building code meetings will be March 3, 17 and 31; April 14 and 28; and May 12 and 26.

Wellington building official Richard Jack, with whom Brown once worked in Wichita, will work with local heating, ventilation, and air-conditioning (HVAC) contractors and plumbers in their meetings.

Plumbing/mechanical code meetings will be March 8 and 22; April 5 and 19; and May 3, 17 and 31.

The Building Trades Board generally meets at 5:15 p.m. on the third Thursday of each month in the commission room at City Hall, 118 W. Central Ave.

**For immediate release**

*more*

However, its regular meetings will not be held in March, April or May — unless a formal complaint is brought to the board, requiring a public hearing — due to the increased workload of the code meetings.

## The 2015 International Code Cycle

Arkansas City currently observes the 2009 International Code Cycle, which is adopted by reference in its municipal code, along with amendments that were made to some international codes by the board.

The current ICC codes enforced in Arkansas City are the:

- 2009 International Building Code (IBC);
- 2009 International Existing Building Code (IEBC);
- 2009 International Fire Code (IFC);
- 2009 International Fuel Gas Code (IFGC);
- 2009 International Mechanical Code (IMC);
- 2009 International Plumbing Code (IPC);
- 2009 International Property Maintenance Code (IPMC);
- 2009 International Residential Code (IRC) for One- and Two-Family Dwellings;
- 2008 National Electrical Code (NEC).

The City also has adopted the 2009 International Private Sewage Disposal Code by reference.

The code cycle change planned for all three cities this year will move them to the 2015 versions of the IBC, IEBC, IFC, IFGC, IMC, IPC, IPMC and IRC, as well as the 2014 version of the NEC.

Brown has said it is good to adopt the newest codes every six years. Prior to the 2009 codes, the City had adopted the 2003 codes. But the change to 2009 has been unpopular with many contractors.

“The 2015 (code) is so much like the 2006, which is one of the best codes they had,” Brown said, predicting the new, simplified codes will be more popular with tradesmen. “You’ll get a kick out of it.”

Fire Chief Bobby Wolfe, who also is an ex officio member of the board, said the State of Kansas is planning to move to the 2012 International Fire Code on July 1, but said he’d prefer they go to the 2015.

Regardless of what the state does, though, the goal of all three cities’ building officials is to unify what they enforce in their city limits, even to the point of ensuring that all of their amendments match.

“We’re all trying to be on the same page,” Brown said, “so that if you go to Wellington, even with the amendments, you’ll know (what the code is). We’re trying to make it all local. There’s nothing requiring it — it’s just something we want to do for our contractors, and us.”

Brown said Derby, Haysville, Sedgwick County, Valley Center and Wichita all have tried to do the same thing, and now they all have almost exactly the same ordinances and changes. When Brown was working in Rose Hill, he strived to match that group's codes, even though he was in Butler County.

### **Complaint against Faithful Plumbers**

The first item of business on the agenda at Thursday night's rescheduled Building Trades Board was a complaint against Faithful Plumbers, filed by Daren and Kechia Reese.

The Reeses, in an email dated Jan. 29, made several allegations against local plumber Fabian Rosales regarding a replacement sewage ejector pump he had installed June 25, 2015, at their home.

The Reeses' email claims Dave Billings, a local plumber who also sits on the Building Trades Board, told them the pump was overheating because the valve was left open and sewage was backing up.

Rosales attended the meeting and offered testimony disputing several claims in the email. He also claimed the Reeses said Billings had told them that it was a used pump that had been installed upside-down. Rosales said neither of those things was true and he had offered to buy back the pump at cost.

Billings, who had to recuse himself from the board and address it as a member of the public, also disputed those claims and said he did not recall saying many of those things.

He also related that he had talked to the Reeses' son about some of his repairs and suggested that some details had been lost or misunderstood as they were relayed among the various parties.

Billings and Rosales both indicated to the board that neither man had any problem with the other.

Board member Mike Hammel questioned why the dispute even was brought before the board, since it appeared to be a civil matter more appropriate for a small claims court.

"Section 14-199 says the board of building appeals, also referred to as the building trades advisory board, shall hear and decide *appeals* of orders, decisions or determinations made by the code enforcement officer relative to the application and interpretation of the city-adopted building codes and regulations, and the city's contractor license laws," Hammel said, quoting municipal code.

"If you boil all of that down, what that means is if (Brown) made a decision in relation to this dispute, then we hear the appeal. That's all our authority is. We're not a small claims court."

Brown admitted that was true, but in this case, his decision was to bring it to the board anyway.

“Anytime I get a complaint in writing from a citizen that has had trouble with one of the contractors in the city, it is my opinion that there is a conflict (and ) I’m going to bring it to the board to get it ironed out,” Brown said. “That’s what this board is for: to hear these cases, whether it’s against me or whether it’s against another member of our trade, to try and get them straightened out.”

“That’s not what the code says, though,” Hammel replied. “The code says we are to hear appeals of your decisions. I’m not trying to be a stickler, but it seems like a civil issue between a contractor and a homeowner, and it seems like it would be better presented in a small claims court. Unless there’s a code violation or a licensing issue or a failure to pull a permit — those are things we can respond to.”

“In each one of your codes, part of that is workmanship, also,” Brown said.

“And if the workmanship is of a quality that is not coherent to this city and the codes that we follow, then that is something that I bring to you guys because that’s part of what we as an industry have to govern, to try to correct. We have to police our own, and that’s the only reason I brought this to you.”

“My decision was to bring this before the board so they could hear it and help me out on a decision that should be made, or at least discussed,” Brown added. “You have the right as a board to table this, throw it out, whatever you want to do as a board.”

Board member Brian Lawrence asked Brown if Rosales had pulled or even needed to pull a permit for the pump replacement. Brown said it was considered maintenance and no permit was required.

Board chair Carl Bowman was critical of the Reeses for not attending Thursday’s meeting, despite having been mailed a notice of the hearing on Feb. 19.

“If they were that upset with it, I personally feel they should have been here,” Bowman said. “Don’t throw a red flag if you’re not going to stand your ground and fight for what you think was done wrong.”

After hearing all of the testimony, Hammel made a motion to close the hearing and find that the board did not have any jurisdiction to do anything about the dispute.

“If (Rosales) didn’t violate any codes, regulations or the City’s contractor licensing laws, and the Reeses are asking for the complaint to be brought to the Building Trades Board, then the determination that I would reach is that it doesn’t fall within our realm of making a decision and I think we just close the matter,” Hammel said. “Then we’ve done our due diligence,” Brown concluded.

The board members, excluding Billings, voted unanimously to approve the motion. Board member Jim Graham was absent Thursday night.

**In other business, the board:**

- Approved the January meeting minutes as presented.
- Voted 4-0 to recommend the appointment of Randy Smith, of Randy Smith Construction, to the vacant general contractor's position on the Building Trades Board. This appointment must be made by the mayor and ratified by the City Commission at a future meeting. Chris Rains, of Ace Construction, also was mentioned as a possibility for the contractor spot and several board members indicated they were comfortable with either man. A layman's position also is vacant.
- Received a handout and heard a presentation on the Kansas Open Meetings Act from Public Information Officer Andrew Lawson.
- Discussed an upcoming code enforcement charter ordinance that is in the works. Lawson informed the board of the progress made to date on the draft ordinance and asked for some guidance regarding fire code violations. Wolfe said that he has had the power to issue notices to appear for such violations in other jurisdictions where he has worked, and he added that it is common for most fire departments to be able to do so. Brown said he didn't care either way — he either could issue notices to appear on behalf of the Arkansas City Fire-EMS Department or let ACFD take responsibility for only that section of code enforcement, if approved by the City Commission. The board indicated it was comfortable with Wolfe enforcing the fire code and Brown enforcing the rest of the ICC codes on the books, since both men work well together.

**About the Building Trades Board**

The Building Trades Board was established for the purpose of establishing criteria for licensing and regulating persons, firms or corporations desiring to engage in any of the defined building trades.

It also serves as a review board to which decisions of the code enforcement official may be appealed by citizens. If the board rules against them, they can appeal its decisions in district court.

The board has specific membership requirements to ensure representative cross-sections of trades:

- Two members must be electricians, one of whom must be a master electrician. The current electrical members are Mark Bartlett, of Bartlett Electric, and Jim Graham, of Graham Electric.
- Two members must be plumbers, one of whom must be a master plumber. The current plumbing representatives are Dave Billings, of Billings Plumbing, and Carl Bowman, of Bowman's Plumbing, Heating & Air, who serves as chairman of the board.

*more*

- Two members must be general contractors doing business in Arkansas City. One spot is vacant at this time, while the other currently is filled by Kent Hinson, of Hinson Construction.
- Two members must represent heating, air-conditioning or refrigeration contractors. The current HVAC representatives are Mike Hammel, of Waldorf-Riley Heating & Cooling in Arkansas City, and Brian Lawrence, of Ark City Service.
- One member must be a citizen or layman familiar with the requirements of the Arkansas City building code. Brown currently is working to fill this position.

All nine terms are for two years each. The fire-EMS chief and code enforcement official both serve as ex officio members of the board without voting privileges.