



City of Muscatine

CONSTRUCTION APPEALS AND ADVISORY BOARD

Wednesday, June 12, 2024

The Construction Appeals and Advisory Board meets at 5:30 p.m. in the Lower Level Conference Room at City Hall.

June 12, 2024, 5:30 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
 - A. April 24, 2024
3. **DISCUSSION ITEMS**
 - A. Action to Adopt Bylaws
 - B. Potential Pre-Application Review and Consultation Process
 - C. Introduction to Code Areas City Council Wishes for Construction Appeals and Advisory Board Recommendations
4. **ADJOURNMENT**

MINUTES
April 24, 2024 – 5:30 p.m.
Construction Appeal & Advisory Board
Muscatine City Hall
Lower Level Conference Room

Present: Devin Able, Jim Noble, Ken Gilkerson, Tim Kelly, James Miller

Staff: Andrew Fangman, Assistant Community Development Director
Andrew Oien, Building Division Manager

Minutes:

Everyone in attendance made introductions.

Andrew Fangman gave overview of the functions assigned to the Construction Appeal & Advisory Board.

Andrew Oien discussed his experience working with a similar board during his employment with Linn County.

General discussion on what basis an appeal to the Board could be made.

Devin Able was elected chairperson on a 5 to 0 vote.

Jim Noble was elected as vice chairperson on a 5 to 0 vote.

Discussion on what permanent standing regular meeting date and time should be, the consensus was that it should be 5:30 on the second Wednesday of the month. That this consensus be reflect on the draft bylaws that the Board will be taking action on at its next meeting.

Andrew Fangman distributed a copy of draft bylaws for member to review prior to their next meeting

Meeting adjourned at 6:00 p.m.

ATTEST:

Respectfully Submitted,

Andrew Anderson, Vice Chairperson
Planning and Zoning Commission

Andrew Oien, Secretary
Building Division Manager

RULES OF PROCEDURES
MUSCATINE CONSTRUCTION APPEAL & ADVISORY BOARD
MUSCATINE, IOWA

1.0 MEETINGS

1.00 Regular Meetings

1.01 Monthly meetings shall be held on the second Wednesday of each month in the city hall. Unless otherwise specified in meeting notices, meetings shall commence at 5:30 P.M.

1.02 The election of officers shall be held at the city hall during the first regular meeting in August each year.

1.10 Special Meetings

1.11 Special meetings may be called by the chairperson and held at any time or place fixed in the call. All members must be notified.

1.12 The chairperson shall call a special meeting at the request in writing of any three or more members of the board and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice. All members must be notified.

1.13 Adjourned special meetings may be held at such time and place as may be fixed in the Resolution of Adjournment. If no other place is fixed in the resolution, the meeting shall be held at the city hall.

1.14 Elections held or actions taken at special meetings shall have the same authority as those taken at a regular scheduled meeting.

1.20 Notice of Meetings

1.21 The agenda of monthly meetings, containing order of business and proper information pertaining to items listed in said order of business as prescribed in other sections of the Rules of Procedure, should be provided to all board members prior to regular monthly meeting, however, failure to receive same does not affect the validity of any election held or actions taken at such meetings.

1.22 All matters to be considered on the printed agenda must be submitted to the Building Division Manager seven days prior to the regular monthly meeting at which the request is to be considered. Matters submitted after that date will be placed on the agenda of the following month's meeting.

1.30 Attendance

1.31 It shall be the duty of each member to attend all meetings. Should any member be absent from more than 1/3 of all the meetings held during any six-month period, the board may

recommend to the Mayor and the City Council that the member's resignation be requested unless it is determined by affirmative vote that there is sufficient excuse for non-attendance.

1.40 Quorum

1.41 A quorum shall consist of a majority of the existing membership of the board.

1.42 The affirmative vote of a majority of those members present shall be required for the exercise of powers of function conferred or imposed upon this board. Less than a quorum may meet but not conduct business unless a quorum is present.

1.50 Order of Business

1.51 Recording of the roll.

1.52 Approval of the minutes of the previous meeting.

1.53 Communications and Hearings

1.54 Unfinished Business

1.55 New Business

1.60 Recording of Proceedings.

1.61 It shall be the duty of the executive secretary to keep a true and correct record of all proceedings held at meetings, both general and special, of said board.

1.62 The executive secretary and the officer presiding at the meeting shall sign the minutes, resolutions and other official documents adopted or approved by the board.

1.70 Public Hearings

1.71 All public hearings shall be preceded by notices by the executive secretary as prescribed bylaw and these rules.

1.72 Hearings shall be open to the public.

1.73 The appellant shall appear in their own behalf or be represented by an agent at said hearing. In the absence of any personal appearance on behalf of the appellant, the board will proceed to table or dispose of the matter on the record before it.

1.74 At a hearing, the order shall be as follows:

The appellant or their agent.

Other persons in favor.

Persons opposed.

Appellant rebuttal.

1.75 The board may postpone any case or continue any case due to lack of a quorum or for further study and information until the next regular meeting or until a special meeting designated for this purpose.

1.80 All meetings shall be open to the public.

2.0 OFFICERS

2.00 The officers shall consist of a chairperson and vice-chairperson.

2.10 Chairperson.

2.11 The chairperson shall preside at all meetings.

2.12 The chairperson shall have general charge of the business.

2.13 The chairperson shall have general supervision of the conduct of the affairs of the board.

2.14 The chairperson shall perform such other duties as are usually exercised by the chairperson of a board or as specifically authorized by the board.

2.20 Vice Chairperson

2.21 The vice-chairperson shall, in the absence or disability of the chairperson, assume the chairperson's responsibilities.

2.30 Executive Secretary

2.31 The Building Division Manager shall serve as the executive secretary of the board.

2.32 The executive secretary is to perform all the duties delegated by the chairperson.

2.33 The executive secretary shall attend all regular and special meetings and keep a record of same and transcribe same into the minute book of the board.

2.34 The executive secretary shall send all notices of regular and special meetings required to be sent under these rules or directed by the chairperson.

2.35 The executive secretary shall, attend meetings of the committees and transcribe the minutes thereof.

2.36 The executive secretary shall have, under the chairperson, charge of the office of the board and all books, papers, and records thereof and shall attend to all correspondence.

3.0 ELECTION AND APPOINTMENTS

3.01 The chairperson of the board shall be elected at the first regular meeting in August each year thereof and shall hold office for one year or until their successor is elected and qualified.

3.02 The vice-chairperson shall be elected at the first regular meeting in August each year immediately after the election of the chairperson and shall hold office for one year or until his successor is elected and qualified.

3.03 Any vacancy in the office of chairperson, or vice-chairperson, may be filled any regular or special meeting after such vacancy.

3.04 Not later than the next regular meeting after the first regular meeting in August each year, the chairperson of the board elected at the first regular meeting in August each year, may appoint committees and the chairperson of each. Such appointments may be made before this meeting if the chairperson so desires.

4.0 SUPPLIES AND OTHER EXPENDITURES

4.01 All expense including those for supplies and equipment, are to be authorized and approved by the board to the City Clerk for payment out of the budget of the Community Development Department by the chairperson and the executive secretary.

5.0 PUBLICITY

5.01 All formal news releases are to be made under the direction of the chairperson of the board, in such form and copy as approved by the board.

5.02 No member of the board is qualified to speak for the board or to give public expression of the opinion, attitude, or action of the board on any matter, unless specifically directed to do so by resolution of the board. The right of a member of the board as a citizen to his or her personal opinion, written or spoken, is not hereby denied.

6. APPEALS BEFORE THE CONSTRUCTION APPEAL AND ADVISORY BOARD

6.00 Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of the building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8, or when it is claimed that the provisions of the building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8 do not apply or that the true intent and meaning of a provision of the building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8 have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

6.01 Procedure to appeal.

6.01 The board shall consider appeals at regular meetings.

6.02 Any appeal shall be filed at the office of the Community Development Department.

6.03 When a request is denied by the board, the applicant may request a rehearing, but such rehearing shall not be granted unless it can be shown that changed conditions occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare justifying a reconsideration of such application. If the rehearing is denied, the case shall not be reopened for at least one (1) year from the date of the action by the board.

7. ADVISORY FUNCTION

The Construction Appeal & Advisory Board shall Advise the City Council on matters pertaining to the regulation of construction activities including the adoption of building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8. The Council may refer building code related items to the Board, or the Board on its own initiative make recommendation to the City Council.

8.0 AMENDMENT

Amendments to these Bylaws may be introduced at any meeting of the board and voted on at subsequent regular meetings provided that notice of the consideration of any such amendment is mailed to each member prior to the regular meeting.



COMMUNITY DEVELOPMENT DEPARTMENT

City Hall - 215 Sycamore St
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

Planning • Zoning • Building Safety • Construction Inspection Services • Public Health • Housing Inspections • Code Enforcement

To: Construction Appeal & Advisory Board
From: Andrew Fangman, Assistant Community Development Director
Date: June 12, 2024
Re: Potential Pre-Application Review and Consultation Process

To ensure a smooth permitting and construction process, it is crucial that builders, designers, and property owners are made aware of all relevant code standards that could impact their project. Unexpected code compliance issues can cause significant hardship through unforeseen costs or delays. The earlier a potential code compliance issue is identified in the design process, the less disruptive and costly it is to address.

To facilitate this, many communities have established a formal pre-application process. Builders, designers, or property owners have the option to have their project reviewed before formally submitting a building permit application. This allows for the identification of building and fire code issues that may affect their project and provides an opportunity to meet with relevant city staff to discuss any potential issues identified. Attached is a checklist used by another community for such a pre-application meeting, to give a better idea of the topics that could be addressed.

The City of Muscatine has long offered informal pre-application consultations with some positive results. Consideration is now being given to formalizing this process, while keeping it optional. The insight and advice of the Construction Appeal and Advisory Board is being sought regarding this matter.

More specifically, the Board's input on the following questions is being sought:

- Would the creation of a more formalized pre-application review process be beneficial and valuable for those looking to build in Muscatine?
- If such a process is created, what specific building and fire code issues should receive special attention?
- While making a pre-application review mandatory is not being proposed, should the use of such a process be incentivized by giving priority to permits that have undergone a pre-application review once they are formally submitted?
- Does the board have other suggestions or thoughts on how to improve communication between City staff and builders, designers, and property owners regarding code compliance issues before the formal submission of a permit?

**Plan Review
Pre-Application Meeting
Checklist**

Meeting Date: _____

Dear Customer:

The City of Lawrence welcomes the opportunity to serve you in your development project. Investing in the community is important for you as well as the Lawrence Community and providing you with accurate information, as well as efficient service, is our goal.

The following items are being reviewed as a courtesy during the preliminary stages of a development project to make a potential building permit applicant and their development professionals aware of code standards that may affect their project.

Please be advised: Any pre-application advice or conclusions related to city codes or processes provided by city staff to a real estate agent, attorney, design professional (architect, engineer, code consultant, etc.), or any other applicant/owner representative is subject to change upon receiving a complete building permit application, which typically includes a code footprint provided by a design professional that provides a complete analysis of the proposed project against the adopted building and fire codes. Changes in design from preliminary to final submittal will often affect the code review. Applicants and building owners are advised to consult with their design professionals (architects and engineers) after meeting with city staff to further explore code implications for their project. Only your design professional can advise you on all of the code implications and options on the design of your project.

City Staff in Attendance:

Applicant / Development Professional in Attendance:

Name	Phone	Email
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Project description as presented by applicant:

Issue	Notes
Fire Safety	
Fire Protection Systems	
Means of Egress	
Fire Apparatus Access Roads	
Fire Hydrant Locations	
Fire Service Features	
Building Services and Systems	
Fire Resistance-Rated Construction	
○ Walls	
○ Floors	
○ Ceilings – impact of additional weight on structure	
Fire Flow Requirements for buildings	
Hazardous Materials	
Existing Building Requirements	
Other	
Americans with Disabilities (ADA)	
Outside access	
Interior access	
Accessible Route	
Slope of ramps	
Door and bathroom hardware	
Bathroom fixture locations	
Other	
Building	
Exiting plan	
Structural	
Non-structural	
Mechanical	
Plumbing	
Electrical	
Energy code	
Elevators	
Other	

Kitchen

Fire suppression	_____
Exhaust vents for stoves & ovens	_____
Exhaust vents for dishwashers	_____
Freezers	_____
Grease Interceptor	_____
Other	_____

Medical

Medical Gas	_____
Other	_____

Permit and Inspection Process

Licensed contractors	_____
Special inspections	_____
Historic Review	_____
Floodplain	_____

Managing Expectations

The City of Lawrence has established goals for achieving the initial review of design plans as noted below. Complete, accurate plans and applications provide the most aid in meeting these goals and ensuring a successful permit process for you, the customer.

Commercial plan reviews (includes residential of 3 units and more) – 15 business days
Residential (one- and two-family structures) – 5 business days

Items that will facilitate the most expedient permit review and issuance include:

Having contractors identified that are licensed in the City of Lawrence
Submitting a complete permit application
Maintaining the project design through the review
Fully addressing all first-round review comments upon resubmitting the revised plans

Review Comments – after application submittal, the application status and plan review comments will be available at <http://apps.lawrenceks.org:8780/citizenaccess/>. You can search for this information by address or permit number. Staff is always available to help at 832-7700.

Next Steps for Applicant – critical next steps in the permit process include the following:

Consult or retain the services of a design professional (architect and/or engineer)
Identify licensed contractors
Other

Next Steps for Staff



COMMUNITY DEVELOPMENT DEPARTMENT

City Hall - 215 Sycamore St
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

Planning • Zoning • Building Safety • Construction Inspection Services • Public Health • Housing Inspections • Code Enforcement

To: Construction Appeal & Advisory Board
From: Andrew Fangman, Assistant Community Development Director
Date: June 12, 2024
Re: Introduction to Code Areas City Council Wishes Construction Appeal & Advisory Board Recommendations.

The City Council, at its September 14, 2023 meeting, requested the Construction Appeal & Advisory Board have a discussion on potential local code amendments on the following four topics.

- The definition of a historic building
- What defines a repair versus what is defined as a remodel
- What constitutes a change of use
- What constitutes a legal nonconforming (grandfathered) use

The Board will be asked to begin its discussion on these issues at its next meeting. To ensure the Board is prepared, please provide any requests for specific background information, such as examples of different approaches taken in other communities. Also, please indicate if any clarification is needed on the topic for which the Board is being asked to make a recommendation. This information will be included in the Board's next agenda packet.