

City of Scottsbluff, Nebraska

Monday, August 15, 2022

Regular Meeting

Item Pub. Hear.1

Council to conduct a public hearing set for this date at 6:00 p.m. to consider an Ordinance Text Change in Chapter 4 Article 1 regarding the International Building Code and International Residential Code.

Staff Contact: Zachary Glaubius, Planning Administrator

Agenda Statement

Item No.

For Meeting of: 8-1-2022

AGENDA TITLE: Council to conduct a public hearing set for this date at 6:00 PM for the proposed Ordinance Text Change to Chapter 4 Article 1 regarding the International Building Code and International Residential Code.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Department of Development Services

PRESENTATION BY: Zachary Glaubius, Planning Administrator

SUMMARY EXPLANATION: Staff discovered conflicting codes in Chapter 4 and an incorrect reference. Per Code 4-1-10, it states the International Fire Code (Section 101.4.5) is excluded. However, the IFC was adopted in 2021 under Ordinance 4255 and can be found under Code 8-1-12.

Under 4-1-2 (A), it references Appendix F of the International Building Code as adopted. However, it was intended that Appendix F of the International Residential Code be adopted, and the IRC Appendix F has and is presently being enforced by Code Administrators.

The Planning Commission made a positive recommendation on the approval of the Ordinance Text Change (5-1).

BOARD/COMMISSION/STAFF RECOMMENDATION: Positive recommendation on approval

Does this item require the expenditure of funds? _____ yes **X** no
Are funds budgeted? _____ yes ___no

If no, comments: _____

Estimated Amount _____

Amount Budgeted _____

Department _____

Account Description _____

Approval of funds available _____

City Finance Director

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) Staff Report

NOTIFICATION LIST: Yes No Further Instructions

Please list names and addresses required for notification.

Rev: 12/14/ City Clerk

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev: 12/14/ City Clerk

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: June 27, 2022 For Hearing of: July 11, 2022



I. GENERAL INFORMATION

- A. The current municipal code 4-1-10 excludes Section 101.4.5 regarding the adoption of the International Fire Code.
- B. The International Fire Code was adopted in January 2021 with Ordinance 4255 and is found under 8-1-12
- C. The current municipal code 4-1-2 (A)(1) states the City adopted the International Building Code including Appendix F. This Appendix F refers to rodent proofing and is incorrect.
- D. The Appendix F which was meant to be adopted and is being enforced is found in the International Residential Code which the City adopted (4-1-2 (A)(2)). This Appendix F refers to mitigating radon gases

II. CURRENT CODE

- A. 4-1-10
 - 1. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, **101.4.5**, 101.4.6, 101.4.7, 105.1.1, 105.1.2, 105.2, 109, 110, 112, 113, 115, 3103, and Chapters 13, 27, 28, 29 and 30 of the 2018 International Building Code are excluded and not adopted by this municipal code.
- B. 4-1-2 (A)
 - 1. (A) The following standard building codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, including permits and penalties:
 - (1) The International Building Code, 2018 Edition, **including Appendix F**, published by the International Code Council. Reference to “International Building Code” throughout this code shall mean this code;
 - (2) The International Residential Code 1 & 2 Family Dwellings, 2018 Edition, published by the International Code Council. Reference to the “International Residential Code” throughout this code shall mean this code; and
 - (3) The International Energy Conservation Code, 2018 Edition, adopted by the Nebraska legislature as the “Nebraska Energy Code”.

III. REVISED CODE

- A. 4-1-10:
 - i. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.6, 101.4.7, 105.1.1, 105.1.2, 105.2, 109, 110, 112, 113, 115, 3103, and Chapters 13, 27, 28, 29 and 30 of the 2018 International Building Code are excluded and not adopted by this municipal code.
- B. 4-1-2 (A)
- C. (A) The following standard building codes are adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, including permits and penalties:

(1) The International Building Code, 2018 Edition, published by the International Code Council. Reference to “International Building Code” throughout this code shall mean this code;

(2) The International Residential Code 1 & 2 Family Dwellings, 2018 Edition, **including Appendix F**, published by the International Code Council. Reference to the “International Residential Code” throughout this code shall mean this code; and

(3) The International Energy Conservation Code, 2018 Edition, adopted by the Nebraska legislature as the “Nebraska Energy Code”.

IV. STAFF COMMENTS

- A.** The International Building Code was adopted in January 2020 and the International Fire Code was excluded in this adoption.
- B.** The International Fire Code was adopted in January 2021 under 8-1-12. However, the exclusion under 4-1-10 was not repealed.
- C.** When adopted, Appendix F was mistakenly listed under the IBC, however it should be under the IRC. Staff has been enforcing Appendix F of the IRC since the adoption of IRC in 2020.

V. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve the proposed ordinance text amendment changes to 4-1-10 and 4-1-2.

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
JUNE 11, 2022
SCOTTSDLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, June 11, 2022 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on July 1, 2022. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member.

- 1 Chairman Dana Weber called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Dave Gompert, Callen Wayman, Henry Huber, Mark Westphal, Dana Weber, Linda Redfern (Alternate, Quorum present so excused). "Absent": Anita Chadwick, Angie Aguallo, Jim Zitterkopf. City Officials present were Taylor Stephens, GIS Analyst/Acting Secretary, Zachary Glaubius, Planning Administrator (via Zoom), and Kathleen Quintana, Fire Marshal.
- 2 Chairman Dana Weber informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the April 11, 2022 meeting were reviewed. Two corrections were noted by Weber and Stephens. Conclusion: a motion was made by Estrada and seconded by Westphal to approve the minutes from May 9, 2022 meeting with noted changes. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguallo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 6 Item 6A & 6B: Chairman Weber opened a joint public hearing at 6:03 PM for Items 6A and 6B regarding the vacation of Lot 1B, Block 10, Imperial Subdivision and Final Plat of Lots 1 & 2, Block 1, Orphan Motors Subdivision situated in the public hearing regarding the vacation of Lot 1B, Block 10, Imperial Subdivision situated in the SW quarter of the SW quarter of section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, NE. Chairman Weber notified the commissioners that items 6A and 6B be ran concurrently and asked if there was any issue with this. There was none. Glaubius then stated the reason for the plat vacation and new final plat was due to municipal code 21-1-68 as the property had already been re-platted twice and would need the plat vacation and new final plat to satisfy the code. Glaubius also stated that a sewer main will have to be extended to reach Lot 2 of the new subdivision. Glaubius also stated that the existing easement in the SW corner of the property will remain. Estrada noted a clerical error on the agenda that 6B should state Township 22 North. Weber closed the public hearing at 6:06 PM. Wayman then asked that the reason the property owner has to vacate the plat is because the property was replated twice. Glaubius confirmed this.
- 7 **Conclusion:** Motion by Gompert, seconded by Westphal to make a positive recommendation on the approval by the city council of the vacation of Lot 1B, Block 10, Imperial Subdivision and Final Plats of Lots 1 & 2, Block 1, Orphan Motors Subdivision situated in the vacation of Lot 1B,

- Block 10, Imperial Subdivision. “Yeas” Huber, Westphal, Wayman, Weber, Gompert, Estrada
“Nays”: “Absent”: Chadwick, Aguallo, Zitterkopf “Excused”: Redfern (alt.) The motion carried.
- 8 Item 6C, 6D, 6E: Chairman Weber opened a joint public hearing at 6:08 for a preliminary plat, final plat, and a rezone from Agriculture to C-2 Neighborhood Commercial for Lots 2-9, Block 1, Frank Properties Subdivision situated in the SE quarter of the SE quarter of section 15, township 22 North, range 55 West of the 6th P.M., Scotts Bluff County, NE. Chairman Weber notified the commissioners that item 6C, 6D, and 6E be ran concurrently and asked if there was any issue with this. There was none. Glaubius stated that this is a preliminary, final and rezone of lots just west of the new car wash on 29th Street. Glaubius noted that 28th street will need to be constructed and that there was a developer’s agreement for the east portion of 28th Street between neighboring properties to construct that portion. Glaubius stated that this construction was supposed to be completed by the end of 1989. Glaubius stated that the remainder of 28th Street and Avenue K are dedicated in this plat. Glaubius stated that sewer will have to be extended along 29th street. Glaubius stated that a developer’s agreement for public improvements has been proposed to construct 28th street with utilities, and staff are requesting Avenue K be included in the agreement. Glaubius stated that the C-2 is in character with the surrounding properties. Glaubius stated that staff is recommending that the planning commission make a positive recommendation on the condition the updated developer’s agreement include Avenue K as well as 28th Street and the 29th Street sewer extension.
- 9 Greg Schilz from MC Schaff approached the commission on behalf of Mr. Frank. Schilz stated the developer has requested the creation of a paving district and sewer district. Schilz also stated that the developer’s agreement is being completed and will be sent to Glaubius. Weber asked if the property owner is aware of the conditions for the contract and Schilz replied yes. Westphal asked if 29th street will be platted to Avenue M and Schilz responded that 29th street will go to Avenue K. Mike Hackett, owner of the Dominos property approached the commission and raised his concerns with storm water. Hackett stated that storm water currently flows to the north of his property into a retention pond and has concerns with the road possibly interfering with that. Schilz assured Hackett that storm water would runoff to the west towards Avenue K and would be temporarily contained on the south portion of Avenue K. Westphal stated that Hackett monitor his property as construction is on-going. Gompert requested Hackett not be afraid to ask questions as the street is constructed. Weber closed the public hearing at 6:20 PM. Wayman asked for further clarification on the area that would become the paving district of 28th Street and Avenue K. Schilz answered with how the developer’s agreement will be written.
- 10 **Conclusion:** Motion by Estrada, seconded by Westphal to make a positive recommendation on the approval of preliminary plat, final plat and rezone from agriculture to C-2 neighborhood commercial by city council on the condition the proposed developer’s agreement includes Avenue K, 28th Street, and the 29th Street sewer extension. “Yeas” Huber, Westphal, Wayman, Weber, Gompert, Estrada “Nays”: “Absent”: Chadwick, Aguallo, Zitterkopf “Excused”: Redfern (alt.) The motion carried.
- 11 Item 6F: Chairman Weber opened a public hearing at 6:22 for proposed ordinance text change to Chapter 4 Article 1 regarding the International Building Code (IBC) and the International Residential Code (IRC). Glaubius stated staff had discovered that during the review of the code book that oversights were discovered. Glaubius stated 4-1-10 excludes an adopted section of the International Fire Code that was adopted in 2021. The code 4-1-2(A)(1) referenced the IBC Appendix F, and the code is supposed to reference IRC Appendix F as it relates to radon gas mitigation. The city staff has already been enforcing Appendix F from the IRC. Glaubius stated that city staff recommended that the planning commission make a positive recommendation to the city council to approve the proposed ordinance text amendment change to 4-1-10 and 4-1-

2. Chairman Weber closed the public hearing at 6:25 PM. Wayman asked to further clarify the information about mitigating radon. Glaubius stated that this was just an oversight to clean up the code book.

- 12 **Conclusion:** Motion by Westphal, seconded by Gompert to make a positive recommendation to the city council to approve the proposed ordinance text amendment change to 4-1-10 and 4-1-2. "Yeas" Huber, Westphal, Weber, Gompert, Estrada "Nays": Wayman "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.
- 13 Item 7: No Information
- 14 Item 8: No Other Business
- 15 Weber introduced Item 9 regarding scheduling the next Planning Commission meeting on August 8th, 2022
- 16 Item 10: Adjournment
- 17 Adjournment: Motion by Estrada, seconded by Westphal to adjourn the meeting at 6:27 PM. "Yeas" Huber, Westphal, Wayman, Weber, Gompert, Estrada "Nays": "Absent": Chadwick, Aguillo, Zitterkopf "Excused": Redfern (alt.) The motion carried.

Chairman Dana Weber

Zachary Glaubius, Secretary