

**Minutes  
Building Board of Appeals  
Ground Floor Conference Room  
City Hall  
April 18, 2017, 8 a.m.**

**Members Present**

Dave VanNieuwenhuyzen, Terry Kelley, Allison Dvorak

**Members Absent**

Jarrold Smart recused himself.

**Guests Present**

Richard Ikeh, Mike Terveen, Rob Meadors and Paul Bengford

**Approval of Minutes of Last Meeting**

A motion was made by Allison and a second was made by Terry to approve the minutes of February, 28, 2017. Ayes, 3. Nays, 0.

**Unfinished Business**

**1. Appeal No. 1-2017**

There was no voice recording of these minutes taken.

The Chair, Mr. VanNieuwenhuizen, called the meeting to order.

The secretary was asked to provide and gave a brief description of the original Board of Appeals meeting for Appeal No. 1-2017 held on February 21, 2017.

Mr. Meadors, the attorney for MJ Terveen Construction explained why an agreement to the scope of work to abate the code violations has not happened. Mr. Meadors spoke about the code violations and felt that the homeowner, Mr. Ikeh, believes he is entitled to more work to be done than just the code violations, that the whole project should be removed and replaced. Mr. Meadors has explained to Mr. Ikeh that MJ Terveen Construction needs to address the code violations only. Mr. Meadors made the comment that the original house was not built properly. In order to remove the concrete in front of the garage so that there is a separation between the siding and the concrete, there would be a 2 inch drop and Mr. Ikeh would have to agree to that and Mr. Ikeh will not work with them. Mr Meadors stated that his client and Mr. Ikeh can't come to an agreement.

Mr. Ikeh then spoke about how his property has been damaged by MJ Terveen Construction. Mr. Ikeh stated that his home was not built out of compliance and that if it

was Mr. Terveen should have brought that to his attention prior to any work commencing. Mr. Ikeh claims that there were no merits to Mr. Terveen's claims that he would not work with them on the scope of agreement. Mr. Ikeh said the City of Sioux Falls has issued an abatement letter and MJ Terveen Construction will not correct the issues that were raised in the abatement letter. Mr. Ikeh stated that he would like to see how the retaining wall would look like and how it would be constructed. He feels that as the homeowner, he and his family have a tripping hazard as the project sits. Mr. Ikeh was not given a written scope of work for the original project.

Mr. Meadors spoke again about lowering the concrete in the driveway below the garage floor 2 inches and reiterated about how Mr. Ikeh would not accept this.

Mr. Ikeh said it is a written proposal only, it is not shown on pictures or paper. Prior to agreeing to anything he would like to see actually how the construction is to be completed and how it will physically look. Mr. Ikeh has said that they were going to remove the stairs and not replace them.

Mr. VanNieuwenhuizen spoke at this time that the board may only addresses code issues. He then asked Mr. Terveen if he is doing any concrete work. Mr. Terveen indicated that he is not doing any concrete work at this time.

Mr. Terveen indicated that the work was done by Terveen Concrete and not done by MJ Terveen Construction.

The board at that time looked at the hard copies of the permits pertaining to this address.

Mr. Ikeh submitted documents from the State of South Dakota on Terveen Concrete.

Discussion was held whether handrails were required along a ramp.

Mr. Ikeh asked the question why Mr. Terveen carries a license for concrete if he doesn't do concrete work.

Mr. VanNieuwenhuizen spoke again on the real reason why the Board of Appeals is here and what its purpose is.

Mr. Bengford commented that the issue in front of the board is whether to suspend, revoke or refuse to renew Mr. Terveen's license.

Mr. Kelley discussed the scope of the agreement.

Mr. Meadors talked again about Mr. Ikeh not working with MJ Terveen Construction.

Mr. Ikeh talked again about Mr. Terveen not working with them either.

Mr. VanNieuwenhuizen talked about what needs to be done. An agreement needs to happen between the two of them, however the issue before the board is the scope of the agreement to abate the code violations.

It was discussed about how the bond would not cover the total cost of the project.

Mr. Meadors spoke about how there are many ways that the code abatements can be met, however he believes that Mr. Ikeh is not receptive to any of them.

The board then discussed what the scope of the agreement should be. It should be to abate the code violations.

A motion was made by Terry and a second was made by Dave to allow MJ Terveen to submit scope agreement for the code violation by the end of the day on April 25, 2017. The other dates in the original board of appeals meeting will remain the same and still apply. Ayes, 3. Nays, 0.

### **Adjournment**

A motion was made by Allison and a second was made by Terry to adjourn the meeting at 9:45 a.m. Ayes, 3. Nays, 0.

  
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Butch Warrington Secretary

