

**Roll Call Number**

★ .....

Agenda Item Number

56

Date ..... February 23, 2009

Request to speak from Nancy Suby Bohn, 312 Corning Avenue, regarding allowing installation of Air Admittance Valves.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_ Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

**Rauh, Diane I.**

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**From:** councilSpeak@dmgov.org  
**Sent:** Sunday, February 15, 2009 2:11 AM  
**To:** MsSubyBohn@msn.com  
**Subject:** Request to Speak  
**Attachments:** IAPMO 2009.pdf

## **Registration Form to Speak at City Council Meeting**

To: The Honorable Mayor and Members of the City Council  
City of Des Moines, IA  
C/O City Clerk

I/We *Nancy Suby-Bohn*, hereby request permission to speak at the Des Moines City Council Meeting of *Monday, February 23, 2009*, regarding

The City of Des Moines has adopted the 2006 International Residential Code (IRC), but has deleted sections which allow the installation of Air Admittance Values (AAV's). Surrounding Metro Areas not only have adopted the IRC codes, but have also adopted the IPC, which also allows the AAV's for commercial use. My own home is a HUD approved home and located within the city of Des Moines. HUD approves the AAV's and I have had no problems with my AAV's for 15 years. The Sure-Vent Product is approved by the Uniform Plumbing Code (UPC) and gives it their IAPMO certification for local adoption. I do not know enough about commercial building to make a statement on their behalf, but I do know enough about existing old residential homes in need of the plumbing solution the AAV's offer. I have also been denied a waiver needed for the installation of these values and denied a rental certificate for having working plumbing...because it's not the "old" way – it's an 'older' way with new features – or the 'new' greener way – for it also saves on materials. My plumbing is not in exterior walls to avoid freezing and better insulation value in the wall cavity plus it gives easier access for repairs and has had no complaints for being unsafe or non-working. Adding the AAV has brought it up to industry standards...but not Des Moines, for they refuse to look at this product objectively. I have also been denied the permit process to have my system inspected by city of Des Moines inspectors to verify it works. The city is always saying, they want us to pull permits, build to code and have our work inspected – but yet we are denied the process, and even when the work is done, we still cannot get an inspection...nor is the city willing to look at modern day features created for problems the existing older homes/systems have. <http://www.iapmostandards.org> – UPS web-side <http://pld.iapmo.org/> In the search box – type "Sure-Vent" and hit Enter C-3531 is the newest certification – and I have older documents from to show it was approved when I asked for this at the Housing Appeals Board PLUS it's been approved since 2003 in the IRC. Why is Des Moines always BEHIND the metro area – why can't we be LEADERS instead?

**Name:** Nancy Suby-Bohn

**Address:** 312 Corning Ave

**Daytime Phone:** (515) 229-6462

**Email Address:** MsSubyBohn@msn.com

2/16/2009

# Memo

Date \_\_\_\_\_

Agenda Item 56

Roll Call # \_\_\_\_\_

**To:** Rick Clark, City Manager  
**From:** Larry Hulse, Community Development Director  
**Date:** 2/20/2009  
**Re:** Nancy Suby-Bohn City Council Request

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The above referenced party has requested opportunity to speak before City Council regarding issues with construction and occupancy at a property located at 2826 3<sup>rd</sup> St. Many of the issues are technical in nature, the detail of which is not included herein. The following summarizes the issues associated with this property. Detail can be provided if needed.

- Nancy Suby-Bohn and Michael Bohn (the Bohns) purchased the property in 2001, and began renovations without permits or inspections. A new foundation, finished basement, and two bathrooms were added to the structure.
- The Bohns allowed the property to be occupied by a tenant in February of 2007 without a Rental Certificate. On December 11, 2008 the City obtained an order from Polk County District Court requiring the Bohns to cease use of the property until they have obtained a Rental Certificate. A Rental Certificate cannot be obtained until the building is in compliance with adopted construction codes. Ms. Suby-Bohn has appealed this order to the State Supreme Court.
- Code violations have been identified, including work without permits, plumbing work not performed by a licensed contractor, illegal "s"-traps, improper venting of the plumbing systems, and incorrect attachment of joist hangers on exterior decks. Devices called Air Admittance Valves (AAV's) were installed in the plumbing system. These devices are not recognized by City or State Plumbing Code.
- Ms. Suby-Bohn appealed Code requirements to the Building and Fire Board of Appeals, including the "s" traps, the AAV's and venting requirements, the requirement for licensed plumbing contractor, and the attachment method of the joist hangers. On February 12, 2009, the Building and Fire Board of Appeals denied the requests for waiver of the Code requirements, finding the proposals were not equivalent to the level of safety established by the Code. This ruling may be appealed to District Court.
- Ms Suby-Bohn objects to adoption of the Uniform Plumbing Code and associated construction codes in Des Moines. The City adoption of the Uniform Plumbing Code corresponds with the adopted State Plumbing Code. State law restricts a community from adopting a code less restrictive than State Code. According to Ms. Suby-Bohn other communities allow AAV's through the International Plumbing Code. Des Moines has not adopted the International Plumbing Code, and its adoption may be less restrictive than State Plumbing Code.