

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

REGIONAL BUILDING COMMISSION MINUTES

January 25, 2017

3:00 p.m.

MEMBERS PRESENT: Chairman Tyler Stevens, Green Mountain Falls Mayor Pro Tem
Larry Bagley, Colorado Springs City Council
Mark Waller, El Paso County Commissioner

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building Official
Todd Welch, Regional Building Counsel
Jay Eenhuis, Chief Plans Examiner
John Welton, Chief Building Inspector
Mindy Stuemke, Front Counter Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Tyler Stevens called the meeting to order at 3:00 p.m.

Roger Lovell introduced new Committee member, Mark Waller, El Paso County Commissioner.

1. CONSIDERATION OF NOVEMBER 17, 2016 MINUTES

A motion was made by Larry Bagley to **APPROVE** the November 17, 2016 Building Commission Minutes as written, seconded by Mark Waller; the motion carried unanimously.

2. NEW BUSINESS

a) Chamber of Commerce and EDC Presentation by Dirk Draper

Dirk Draper appeared and stated they changed their name to the Chamber of Commerce and EDC, and their 2016 highlights were marketing the region, hosting a familiarization tour, advocating for business, and operational changes inside the Chamber and EDC for more efficiency. He stated the Expansion and Retention Projects expanded four companies, totaling 170 jobs, retention of 3 companies, with a total of 1,364 jobs, and executive recruits in 7 companies, totaling 7 jobs. He stated they worked with six companies this year to bring new companies to this region, i.e., Christian Care Ministries, Cook's Marketplace, HomeAdvisor, International Cricket Council, SAP, and TekExperts. Mr. Draper stated they also fielded 49 new prospects for this region. He stated in 2017 they plan to continue marketing the region and advocating for business.

Mr. Draper stated the Chamber and EDC will continue to focus on four major industries in 2017, i.e. Aerospace and Defense, Information Technologies, Health Care and Health Technologies, and Sports.

b) Certificate of Non Compliance Policy by Diann Butlak

Diann Butlak appeared and stated RBD issued a Certificate of Non Compliance (CNC) to one of the owners of a unit at the Pinion Sun Condominium Complex for a crawlspace sump pump Code violation; this homeowner owned the unit closest to the sump pump, although the sump pump serviced several units in the complex. She stated the homeowner hired an attorney to compel the HOA to remedy the situation, but the HOA ignored the complaints from the attorney and the homeowner. She said RBD suggested that they have the sump pump repaired and bill the HOA, but the attorney told them this would create a liability issue for the homeowner that repaired the sump pump. Ms. Butlak stated she is here today to suggest that the CNC be issued to all homeowners in the complex, and not to just the homeowner closest to the sump pump. She stated the access to the sump pump is through only one of the units.

Ms. Butlak stated repairing the sump pump would have been far less expensive than paying legal fees for two attorneys, but it was too much of a liability issue. She stated she does not believe that RBD had notified the five HOA board members. Ms. Butlak stated she believes there are at least four sump pumps, and possibly as many as 20 sump pumps, in the crawlspaces of this condominium complex that were not installed according to Code.

Todd Welch stated RBD is sympathetic to this situation, but the homeowners own the land. He stated the HOA owns nothing; so there is a quasi-contractual relationship between the homeowners and the HOA.

Roger Lovell stated RBD was notified by Colorado Springs Utilities Department about this Code violation, due to the connection to the sewer line. Todd Welch stated to serve a CNC on all owners would not solve the issue, because they would, no doubt, believe that it did not pertain to their unit; whereas, RBD served the CNC on the unit owner that was benefitting from the appliance that created the Code violation.

Ms. Butlak stated there are 96 owners of the property in this complex. She stated the HOA installed the sump pumps and it is their responsibility to bring the sump pumps up to Code. She stated she is requesting that RBD notify the HOA Board Members that it is their responsibility to bring the sump pumps up to Code.

Tyler Stevens stated it is RBD's responsibility to notify the owner that there is a Code violation, but it is not RBD's responsibility to notify and determine who the owners are so they can be given notice. He said by giving notice to one owner, it is that owner's responsibility to notify all parties involved, and especially the HOA Board members, that it

is their responsibility to remedy the Code violation. He stated RBD has fulfilled its responsibility by notifying one party (the party benefitting from the appliance creating the Code violation) of the Code violation, and it is this homeowner's responsibility to notify the correct parties in the complex. Mark Waller stated the HOA has a fiduciary duty to remedy this situation, and it will probably be through a civil suit against the HOA by the homeowners.

Tyler Stevens thanked Ms. Butlak for bringing this situation to the Building Commissioners' attention, but he does not believe there is a clear path to remedy this situation by RBD staff. He stated it comes down to ownership responsibility for faulty equipment on the property, and is not RBD's responsibility.

A motion was made by Larry Bagley to **POSTPONE** this item until the February 22, 2017 Building Commission meeting, so they can investigate the issue to see if there is anything that can be done to assist the homeowner, seconded by Mark Waller; the motion carried unanimously.

3. **ELECTION OF OFFICERS**

A motion was made by Mark Waller to elect Tyler Stevens as the 2017 Chairman of the Building Commission, seconded by Larry Bagley; the motion carried unanimously.

A motion was made by Larry Bagley to elect Mark Waller as the 2017 Vice Chairman of the Building Commission, seconded by Mark Waller; the motion carried unanimously.

4. **PUBLIC COMMENT**

There were no Public Comments to discuss.

5. **ADVISORY BOARD REPORT**

Todd Welch appeared and gave the Advisory Board Report.

6 **BUILDING OFFICIAL REPORTS**

a) Financial Statement

Roger Lovell presented the financial statement for the month of December 2016. He said the current operating balance is \$9,089,114, with a budget of \$13,636,414. He said the cash balance is 66.65 as a percent of budget. Mr. Lovell said the current month revenue was \$1,348,252, and total year-to-date revenue was \$18,049,594. He said the expenditures were \$1,048,318, which resulted in a gain of \$299,934, for the month of December. He said the total year-to-date expenditures were \$12,528,420, which resulted in a total year-to-date gain

of \$5,521,174. Mr. Lovell said the Special Account Revenues for the month of December were \$29,344, and year-to-date were at \$288,109. He stated since July of this year, RBD has issued 36,318 reroof permits. He stated RBD incurred hail damage to 32 vehicles in its fleet; and RBD has received the insurance money, but has been unable to get the repairs done yet. Mr. Lovell stated RBD's PERA liability is approximately \$9.5 million, and total liabilities for the year are \$10,549,635. He stated RBD spent 91.87 percent of the budget in 2016, so RBD came in under budget for 2016. He stated this region also incurred substantial damage due to the windstorm early this month, which will generate additional permits/revenue to repair damages.

b) Building Report

Mindy Stuemke presented the Building Report for the month of December 2016. She said there were 237 single-family houses permitted in December, which is an increase of 36.21 percent over this same time last year; and 40 commercial building permits, which is 14.29 percent more than the previous year. She said the total valuation of permits issued in December was \$50,154,980, which is 249.59 percent more than this same time last year; and the total valuation of permits issued to date in 2016 is \$2,912,375,985, which is an increase of 29.81 percent over this same time last year. Ms. Stuemke said there was one permit in December with a valuation of \$40 million. She said the Front Counter received 701 phone calls the day after the Martin Luther King holiday, and the Licensing Department received 159 phone calls that day. She said the staff at the Front Counter saw 130 people that day; and the Licensing Department saw 40 people that day. Ms. Stuemke said there have been 192 single family home permits to date in January.

c) Plan Review Report

Jay Eenhuis presented the Plan Report for the month of December 2016. He said there were 219 single family plans, which is an increase of 15 percent over this same time last year; 34 new commercial plans, which is an increase of 36 percent; and a total of 554 plans, which is an increase of 24 percent over this same time last year. He stated there were 221 total electronic plans submitted in December 2016, or 40 percent in e-submittals, compared to December 2015, which was 36 percent. Mr. Eenhuis stated the Plan Review Department saw 603 Solo Reviews in December, 863 Residential Walk-through reviews, and 991 Commercial walk-through reviews, for a total of 2,457 logged reviews for December 2016, which is an increase of 5 percent from the previous year; and a total of 32,767 logged reviews for the year of 2016, which is an increase of 4 percent.

d) Inspection Report

John Welton presented the Inspection Report for the month of December 2016. He said the inspectors in all departments did a total of 20,707 inspections in December, with a total of 46 inspectors. He said each inspector averaged 21.2 inspections per day, and the average time per inspection was 17.0 minutes. Mr. Welton stated there was a total of 240,354 inspections in 2016, compared to 199,504 in 2015. He stated technology has played a big role in RBD's ability to accomplish more inspections with a limited number of inspectors, i.e., new tablets that allow inspectors to view the plans on site, electronic inspection upload option, and an automated call ahead system.

7. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

8. FUTURE AGENDA ITEM REQUESTS

- a) Continuation of Certificate of Non Compliance Policy Issue by Diann Butlak.
- b) Resolution for Sale of Property at 101 W. Costilla Street and 435 Sahsatck Street.

9. EXECUTIVE SESSION REQUESTS

There were no Executive Session requests.

The meeting adjourned at 5:09 p.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg