

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

ADVISORY BOARD MINUTES

October 17, 2018

12:30 p.m.

MEMBERS PRESENT: Chairman Darin Tiffany, Engineer
Vince Colarelli, Citizen-at-Large
Edward Pine, Building A, B or C Contractor
Tom McDonald, Building A or B Contractor
Jim Nakai, Architect
Richard Applegate, City of Fountain
Robert Todd, City of Manitou Springs
Kelly Elliott, Town of Monument

MEMBERS ABSENT: Chris Quinn, Town of Green Mountain Falls
David Wilson, Town of Palmer Lake

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Ryan Johanson, Director of Finance
Matt Matzen, Front Counter Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Darin Tiffany called the meeting to order at 12:30 p.m.

1. CONSIDERATION OF THE SEPTEMBER 19, 2018 MINUTES

A motion was made by Vince Colarelli **APPROVE** the September 19, 2018 Advisory Board Minutes as written, seconded by Edward Pine; the motion carried unanimously

2. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED ON THE AGENDA

There were no public comments on items not scheduled on the Agenda.

3. NEW BUSINESS

a) Colorado Springs Chamber and EDC Presentation

Chairman Tiffany stated this item was cancelled.

b) Woodland Park Intergovernmental Agreement Renewal

Jina Koulchitzka stated RBD had serviced the City of Woodland Park in accordance with an executed Intergovernmental Agreement since December 1, 2013, by providing building department services which include: plan review, permitting services, elevator inspections, and inspection services for all structures built requiring a permit in Woodland Park after the effective date of the 2013 Intergovernmental Agreement (IGA). She stated Woodland Park had paid to RBD all permit fees collected for the construction, modification, or addition to each structure, including electrical, plumbing, and mechanical work that required a permit. She stated the 2013 IGA was for a period of five successive, one-year terms, and comes due on November 30, 2018. RBD plans to continue services to the City of Woodland Park for a period of eight successive, one-year terms. Each party may terminate the agreement upon a 90-day written notice to the other party. Ms. Koulchitzka stated RBD would not provide zoning, enumerations, nuisance abatement code enforcement (other than building codes), or any other services not specifically provided for in the agreement without the written consent of Regional Building.

Sally Riley, Planning Director for the City of Woodland Park (“City”), appeared and stated the City had a very successful relationship with RBD for the past five years, and it was looking forward to continuing that relationship. A motion was made by Edward Pine to recommend to the Building Commission **APPROVAL** of the Woodland Park Intergovernmental Agreement renewal, seconded by Vince Colarelli; the motion carried unanimously.

c) Resolution of Intent for Participation with External Organizations

Roger Lovell stated the comments that came from the Advisory Board in September were discussed with the Building Commission (Commission). He stated the Commission discussed the third bullet under qualifiers, which stated “be directly related to construction activity in El Paso County for capital improvements only”. He stated the Commission was advised of the Advisory Board’s desire to limit the requests under this criteria to “only those related to the construction industry for capital improvements not to include operation or overhead expenses.” Mr. Lovell stated the Commission was also advised of the recommendation from the Advisory Board to insure that the capital improvements were funded for projects at or below market rate. He stated the disqualifier with regard to religious organizations was discussed with the Commission, and the Commission recommended that this disqualifier be maintained in the Resolution of Intent. He stated the Commission determined that the disqualifier pertained to support of religious programs that benefit the community as a whole. Mr. Lovell stated the Commission also discussed that capital improvement costs funded from this policy fall within an established range of 20% to 49%. He stated the Commission did oppose the recommendation regarding the terms limits on requests submitted in accordance with the

Resolution of Intent. He stated the Commission tabled this item on their agenda, so it could be brought back before the Advisory Board for further discussion.

Mr. Lovell stated the criteria and disqualifiers, as drafted, are sufficient; and further, “religious organizations for support of religious programs” disqualifier should remain because such does not prohibit qualifying requests under the criteria, as established, but only disqualifies requests “for support of religious programs”. He stated the disqualifier, in the Commission’s opinion, is very specific to “for religious purposes” and such will help vet the qualifying applicants from the non-qualifying ones and hopefully discourage religious organizations from submitting requests for such purposes. He said the Commission wants RBD, the Advisory Board and the Commission to retain discretion to review each request on a case-by-case subject to the criteria and this disqualifier.

Mr. Lovell stated the Advisory Board’s comments, as already summarized, were addressed by the following revision(s) to the Resolution of Intent in the 3rd bullet under qualifiers: (ii) be directly related to construction activity in El Paso County for capital improvements only for an amount not to exceed seventy-five percent (75%) of the Department fees paid or to be paid to the Department, except fees and sales and/or use tax, which the Department must and shall collect for other agencies;... or (iv) improve the administration, implementation and enforcement of the adopted construction codes and standards in El Paso County.

Vince Colarelli stated he believes RBD had done well in writing this Resolution and meeting all concerns expressed by the Advisory Board. He stated the applicant had a duty to do the work at market rate if it was requesting participation from RBD to lower its permit fees. Darin Tiffany asked if RBD could write a bullet in the Resolution that “capital improvements must be done at about or below market rate”.

Mr. Lovell suggested revising the second item under the 3rd bullet point to state: “be directly related to construction activity in El Paso County for capital improvements only at or below market value criteria for an amount not to exceed 75% of the Department fees...”

Ms. Koulchitzka stated RBD does not want to draft this Resolution of Intent with any specific 501(c)(3) in mind. Mr. Lovell stated any application was subject to the availability of funds. He stated RBD was not staffed to accommodate a large number of requests. Ms. Koulchitzka stated in the 2019 Budget, RBD staff does not see any excess funds. Mr. Lovell stated when RBD staff determines that it has an excess of funds, then it may consider a qualified application for participation.

Mr. Tiffany stated when there are excess funds, he would like RBD to consider reducing fees. Edward Pine reminded the Board that in the past when there had been excess funds, the City had made a request for those funds, and Mr. Lovell stated there had been a recent request of that same nature.

Ms. Koulchitzka stated the proposed revisions were as follows:

- Bullet No. 3 on Page 1, criteria (ii) to read: shall be directly related to construction activity in El Paso County for capital improvements only at or below market value criteria for an amount not to exceed 75% of the Department fees paid or to be paid to the Department, except fees and sales and/or use tax which the Department must and shall collect for other agencies;
- Under criteria (iv), to accept the amendment which says “adopted construction codes and standards in El Paso County;
- With regard to the disqualifier 6th bullet, to revise the language to “organizations for support of religious programs”.

A motion was made by Edward Pine to recommend to the Building Commission **APPROVAL** of the Resolution of Intent, as amended, seconded by Jim Nakai. Marla Novak, HBA, appeared during comments and requested further revisions to be considered and made: Take no. (ii) out altogether, or make it part of no. (i). She stated she feels as written, the Resolution will result in more requests. The Board determined that no. (ii) should remain in the Resolution of Intent. Tom McDonald stated criteria (i) was related to the construction industry, and criteria (ii) was related to construction activity; and he stated they should both remain in the Resolution of Intent. Robert Todd suggested taking out criteria (i) and adding the language: “Funding requests must be directly related to the construction industry in El Paso County and: (ii) or (iii) or (iv).” After completion of the public comment(s), the motion **FAILED** 6:1. Vince Colarelli, Tom McDonald, Jim Nakai, Kelly Elliott, Robert Todd, and Richard Applegate opposed.

After further discussions and instructions from the Board, Ms. Koulchitzka stated RBD will amend the Resolution of Intent as follows:

“The funding request must: (i) be directly related to the construction industry in El Paso County and be directly related to the construction activity in El Paso County for capital improvements only at or below market value criteria for an amount not exceed 75% of the Department fees paid or to be paid to the Department, except fees and sales and/or use tax, which the Department must and shall collect for other agencies, or (ii) promote the education, knowledge, and awareness of the construction industry in El Paso County, or (iii) improvement the administration, implementation, and enforcement of adopted construction codes and standards in El Paso County.”

Ms. Koulchitzka stated the remaining revision will be to the disqualifiers 6th bullet to read: “Organizations for the support of religious programs”.

A motion was made by Edward Pine to recommend to the Building Commission **APPROVAL** of the Resolution of Intent, as amended, seconded by Kelly Elliott; the motion carried unanimously.

d) Low Barrier Proposal to Regional Building Department by Salvation Army

No one appeared. A motion was made by Vince Colarelli to **TABLE** this Item until the end of the meeting; seconded by Edward Pine; the motion carried unanimously.

4. **BUILDING OFFICIAL REPORTS**

a) Financial Statement September 30, 2018

Ryan Johanson presented the financial statement for the month of September 2018. He stated RBD did a permit and plan review fee study for jurisdictions across the State, and it found that RBD had the lowest fees in the State, while being the largest building department in the State. He stated this fee study shows why RBD was so busy. Roger Lovell stated RBD staff was working with the EDC to provide this information to the community. Mr. Johanson said the current operating cash balance was \$12,523,921. He said the cash balance was 76% as a percent of budget. Mr. Johanson said the current month revenue was \$1,663,251, and the year-to-date revenue was \$14,289,442. He said the expenditures were \$1,162,014, which resulted in a gain of \$501,237 for the month of September, and the year-to-date expenditures were \$10,950,879, which resulted in a year-to-date gain of \$3,338,563. Mr. Johanson stated the Licensing Rewards Program had been very successful, and RBD gave discounts for license renewals in the amount of \$25,425 in September, and \$524,182 had been discounted year-to-date through the Permit Fee Discount and Licensing Reward Program.

b) Building Report through September 30, 2018

Matt Matzen presented the Building Report for the month of September 2018. He said there were 314 single-family houses permitted in September, which was 0.32 percent less than this time last year; and 40 commercial building permits. He stated there were 5 apartment buildings permitted in September, for a total of 87 apartment units. Mr. Matzen said the total valuation of permits issued in September was \$272,847,092, which was 37.18 percent more than this same time last year; and the total valuation of permits issued to date in 2018 was \$2,505,366,858, which was an increase of 6.31 percent over this same time last year. He stated the front counter was averaging 417 phone calls per day and 107 walk-in customers per day. Mr. Matzen said there have been 133 single-family home permits to date in October.

c) Plan Report though September 30, 2018

Jay Eenhuis presented the Plan Review Report for the month of September 2018. He said there were 335 single family plans, which was a 4 percent increase from September 2017; 37 new commercial plans, which was an increase of 54 percent; and a total of 903 plans for the month of September, which was an increase of 24 percent compared to September 2017. Year to date, 8,069 plans were submitted, an increase of 24 percent from the first nine months of 2017. He stated there were 100 Commercial Plans submitted electronically in September 2018, or a 79 percent increase compared to September 2017; and 166 Residential Plans submitted electronically, which was an increase of 68 percent; for a total of 460 E-Plans in September 2018, a 39 percent increase from September 2017. Year to date, approximately 3,592 percent of all plans submitted had been submitted electronically. Mr. Eenhuis stated the Plan Review Department performed 1,496 Solo Reviews in September, and 2,296 Walk-through reviews, for a total of 3,792 logged reviews for September 2018, and 33,176 logged reviews year-to-date, which was an increase of 19 percent from the previous year.

d) Inspection Report through September 30, 2018

John Welton presented the Inspection Report for the month of September 2018. He said the inspectors in all departments did a total of 24,282 inspections in September, with a total of 57 field inspectors. He said each inspector averaged 23.1 inspections per day, and the average available time per inspection was 15.8 minutes. He stated RBD was very busy on the inspection side, with the highest inspection month on record.

5. UNFINISHED BUSINESS

a) Adoption of Certain Amendments to the Pikes Peak Regional Building Code, 2017 Edition, 2nd Printing.

Jina Koulchitzka stated the Board of Review, earlier today, after conducting a public hearing, approved adoption of certain amendments to the Pikes Peak Regional Building Code in the form of the Pikes Peak Regional Building Code, 2017 Edition, 2nd Printing. She stated RBD will be appearing before all of its jurisdictions with regard to the adoption of the amendments to the Code, with the exception of the City of Woodland Park. She stated there were two things that have occurred, which require amendments to the Code: (i) the State of Colorado adopted and implemented the 2017 Edition of the National Electrical Code (NEC) effective as of March 17, 2018, resulting in a 12-month time limitation for the Department to adopt and implement such; and (ii) the Federal Emergency Management Association's (FEMA's) adoption and implementation of a new Flood Insurance Rate Maps (FIRM) effective as of December 7, 2018. RBD was required by FEMA to adopt that new FIRM and implement it in its Code as of December 7, 2018, which was a hard deadline, as imposed by FEMA.

b) November 21, 2018 Advisory Board Meeting

Jina Koulchitzka stated the Executive Assistant had recommended that RBD staff discuss with the Advisory Board members how they would like to conduct the November 21st Advisory Board meeting, as it falls on the day prior to the Thanksgiving holiday. She stated the Building Official reports could be transmitted electronically to the Board members, if there were not critical issues that required that they should be brought before the Board, which had been the case for the past two years. She stated earlier today, the Board of Review elected to hold the meeting electronically, to approve the variances and license requests.

A motion was made by Vince Colarelli to hold the November 21, 2018 Advisory Board meeting electronically, for purposes of transmitting the Building Official Reports, which do not require a vote of the Advisory Board, seconded by Robert Todd; the motion carried unanimously.

c) Tabled Items

A motion was made by Vince Colarelli to **DISMISS** the Low Barrier Proposal to Regional Building Department by the Salvation Army due to non-appearance for two consecutive months, seconded by Edward Pine; the motion carried unanimously.

6. **EXECUTIVE SESSION REQUESTS**

There were no Executive Session requests.

7. **ADJOURN**

The meeting adjourned at 2:00 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/llg