

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

REGIONAL BUILDING COMMISSION MINUTES

September 25, 2019

12:00 p.m.

MEMBERS PRESENT: Chairman Tyler Stevens, Green Mountain Falls Trustee
Vice Chairman Tom Strand, Colorado Springs City Council
Mark Waller, El Paso County Commissioner

MEMBERS ABSENT:

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:

1. CALL TO ORDER

Chairman Tyler Stevens called the meeting to order at 12:05 p.m.

2. CONSIDERATION OF THE AUGUST 29, 2019 MINUTES

A motion was made by Mark Waller to **APPROVE** the August 29, 2019 Regional Building Commission Minutes as written, seconded by Tyler Stevens; the motion carried unanimously.

3. CHANGES/POSTPONEMENTS/NOTICE OF NEXT MEETING

October Regional Building Commission date and time: Thursday, October 24, 2019 at 2:00 p.m. at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14.

Discussion took place that the meeting, as set for Thursday, October 24, 2019, may need to be rescheduled upon further notice.

4. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED ON THE AGENDA

Public comments on items not scheduled on the agenda shall be limited to three (3) minutes.

There were no public comments.

5. **ADVISORY BOARD REPORT**

Jina Koulchitzka presented the Advisory Board Report. She stated the Advisory Board unanimously recommended to the Building Commission approval of the 2020 Budget. She stated an Executive Session was conducted in accordance with statutory requirements. Upon conclusion of the Executive Session, in consideration of certain agenda items, to which the matter for which legal advice was sought during the Executive Session would be applicable, the Advisory Board unanimously moved and voted to terminate Mr. Nakai to release him from his volunteer position as a member of the Advisory Board with an immediate effect also of termination from the Board of Review as a result of a conflict of interest, which the Advisory Board had to address because of the Department's retention of Mr. Nakai's architectural firm (James Nakai & Associates, P.C.) as an owner representative for the contemplated construction project. The Advisory Board stated that the subject retention was in the best interests of the Department.

A brief discussion took place regarding the conflict of interest: actual vs. potential conflict of interest resulting in the termination of the volunteer position(s).

6. **BUILDING OFFICIAL REPORTS/NON ACTION ITEMS**

a) Financial Statement through August 31, 2019

Mr. Johanson presented the financial statement for the month of August 2019. He said the operating cash balance was \$12,763,491. He said the cash balance was 72% as a percent of budget. Mr. Johanson said the monthly revenue was \$1,410,456. Mr. Johanson said the expenditures were \$1,342,945, which resulted in a gain of \$67,511 for the month of August. He stated year-to-date, the Department had a net gain of \$567,043. He stated the Department does not anticipate doing an Amended Budget for 2019.

b) Building Report through August 31, 2019

Matt Matzen presented the Building Report for the month of August 2019. He said there were 332 single-family houses permitted in August, which was 1.22 percent more than this time last year, and 25 commercial building permits. He stated there was one multi-family permit. Mr. Matzen said the total valuation of permits issued in August for residential homes was \$118,455,119, which was 6.73 percent less than this same time last year; and the total valuation of commercial permits issued was \$20,387,220, which was a decrease of 13.79 percent over this same time last year. Mr. Matzen stated that the total valuation year-to-date across all permits was \$2,608,522,001, which is an increase of 16.48%. He said there was one permit with a valuation over \$3 million in August. Mr. Matzen stated the front counter was averaging 388 phone calls per day and 126 walk-in customers per day.

c) Plan Report through August 31, 2019

Jay Eenhuis presented the Plan Review Report for the month of August 2019. He said in August 2019, there were 379 single family plans, which was an increase of 16 percent over the previous year; 54 new commercial plans, which was an increase of 116 percent; and a total of 1,054 plans for the month of August, which was an increase of 13 percent compared to August 2018. Year-to-date, 7,197 plans were submitted, an increase of 1 percent from 2018. He stated there were 99 commercial plans submitted electronically in August 2019, or a 2 percent decrease compared to August 2018; and 137 residential plans submitted electronically, which was a decrease of 3 percent; for a total of 433 e-plans in August 2019, an 11 percent increase from August 2018. Year-to-date, approximately 45 percent of all plans submitted had been submitted electronically. Mr. Eenhuis stated the Plan Review Department performed 1,667 solo reviews in August, and 2,904 walk-through reviews, for a total of 4,571 logged reviews for August 2019, and 35,594 logged reviews year-to-date, which was an increase of 21 percent from the previous year.

d) Inspection Report through August 31, 2019

John Welton presented the Inspection Report for the month of August 2019. He said the inspectors in all departments did a total of 32,450 inspections in August, with a total of 68 field inspectors; each inspector averaged 22.8 inspections per day, and the average available time per inspection was 15.6 minutes. Mr. Welton stated August was the highest number of inspections performed on record by the Department.

e) Retention of an Owner Representative for the Contemplated Construction Project in Item No. 8.a) below

Jina Koulchitzka confirmed, in follow-up to the Advisory Board Report above, the Department has entered into a Consulting Agreement with Jim Nakai & Associates, P.C., to act as the owner representative for the contemplated construction project in Resolution No. 2019-2 noted in Item 8.a. below. She stated the Department has further entered into a Confidentiality and Nondisclosure Agreement with Mr. Nakai's firm.

f) Section RBC112 of the Pikes Peak Regional Building Code, 2017 Ed., as amended

This items was heard out of order after the 2020 Budget.

Roger Lovell stated at the September 9, 2019, City of Colorado Springs City Council Work Session Council member Pico expressed concern with regard to an addition that was permitted in 1998, which remains unfinished. Mr. Pico asked what could be done from a Regional Building perspective to address uncompleted construction. Mr. Lovell presented an email that he sent to Council member Strand regarding this issue. Council member Strand stated this structure is in Council member Pico's district, and he drives

by it regularly. He stated the structure was commenced in 1998, but construction stopped shortly thereafter, and the structure has deteriorated over the past 20 years. He stated Council member Pico is trying to have the structure declared as “unsafe”.

In order to answer the more general question of uncompleted construction, Mr. Lovell stated he had done a great deal of research to determine what other jurisdictions are doing to help projects reach a stage of completion. He stated the unanimous result was nobody has any tools to force a project to completion if a property owner cannot or chooses not to complete a construction project. He stated there is nothing in the building codes in any of the jurisdictions that he spoke with that will force that owner to complete the project. Mr. Lovell stated locally, however, there are a tools, which other jurisdictions do not have, as such are contained in the Pikes Peak Regional Building Code. He stated from a permitting standpoint, an in progress inspection has to be completed every six months in order to keep the permit open. As soon as it goes beyond six months, the permit is administratively closed. When it is administratively closed, there are fees required to reopen the permit. Mr. Lovell stated the intent is to incentivize owners and contractors not to go beyond six months between inspections in order to keep the project moving. He stated once it has been abandoned for one year, the permit may be voided subject to certain Code criteria. Mr. Lovell stated to recommence work, the entire permit fee must be paid, and a new permit issued. He stated if that does not occur, then a Certificate of Alleged Noncompliance (“CNC”), which is basically a lien, is filed against the property. He stated in relation to the subject property, all of those steps have occurred, and the CNC was issued. Mr. Lovell stated the CNC will come up as an encumbrance on a title search.

Mr. Lovell stated the County recently adopted Section RBC112 of the Pikes Peak Regional Building Code regarding dangerous buildings. He stated this section of the Code lists 17 criteria one of which is required to possibly declare a building as “dangerous”. He stated 12 of those criteria are all Building Department items or structural type of issues where the primary concern is whether the building is in danger of collapsing. He stated the building has to reach a pretty substantial state of disrepair before it can be considered a dangerous building. Mr. Lovell stated Items 12, 14 through 17 are tool for the jurisdiction(s) through Housing Code, Health Officer, Fire Chief, or the courts to equip the Building Department for purposes of a possible dangerous building declaration.

Mr. Lovell stated the Department has evaluated the structure, and it has not been able to get to a point to satisfy the requirements of the criteria available directly to Regional Building yet. He stated he plans to appear before City Council during Work Session to speak about the other tool available to the jurisdictions when a building is not in potential danger of collapse.

Mr. Lovell stated the Department cannot declare a building dangerous just because it is unsightly. Mr. Strand read from the Code: Purpose. It is the purpose of these provisions to provide a just, equitable, and practicable method, to be cumulative with and in addition

to, any other remedy provided by this Code, or the Housing Code, as applicable, or otherwise available at law, whereby buildings or structures that from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished. Mr. Lovell stated the purpose of the Code is in regard to the life safety of the building's occupants and the general public.

Mr. Lovell stated the Department has exhausted its resources; it cannot meet the criteria that the Department is responsible for. He stated the Department cannot make up new rules because someone wants it "gone". He stated he agrees that it is an attractive nuisance, but it does not meet the state of disrepair as noted in Items 1 through 13, excepting 12.

Mr. Lovell stated no one has a way to force a project to completion. He stated prime examples of this are Colorado Crossing and the former Renaissance Hotel, which is now the Great Wolf Lodge. Mr. Lovell stated his research with other jurisdictions showed that other jurisdictions enforced this issue from a code enforcement standpoint. He stated many of the other jurisdictions used the International Property Maintenance Code; many adopting it, but removing a significant amount therefrom.

Tyler Stevens stated he encourages the City of Colorado Springs to work with its departments or sub-agencies prior to considering Code amendment(s), because that amendment will have to go before all of the jurisdictions Regional Building serves for approval and adoption. Mr. Lovell agreed. He stated Code changes are labor intensive and time consuming for the Department staff because the Department has to be certain that the Code change works for all of the jurisdictions. Council member Strand expressed his appreciation for Mr. Lovell's time and research regarding this issue.

7. UNFINISHED BUSINESS

a) 2020 Budget

Roger Lovell stated the 2020 Budget anticipates \$19,261,244 in revenue, an increase of 18.3% over the 2019 Budget and an increase of 3.6% over the 2018 Budget. This balanced Budget anticipates \$19,261,244 in expenses, an increase of 7.9% over the 2019 Budget. Mr. Lovell stated the 2020 Budget provides for a sustainable Regional Building Department, increases public access, increased efficiency with no increase in fees, and an increase in potential services. A motion was made by Mark Waller to **APPROVE** the 2020 Budget, seconded by Tom Strand; the motion carried unanimously.

8. NEW BUSINESS

a) Consent Resolution for Construction of Satellite Facility for Pikes Peak Regional Building Department and Authority to Negotiate and Enter into a Construction Contract for Purposes Thereof.

A motion was made by Mark Waller to **APPROVE** the Consent Resolution for Construction of Satellite Facility for Pikes Peak Regional Building Department and Authority to Negotiate and Enter into a Construction Contract for Purposes Thereof, seconded by Tom Strand; the motion carried unanimously.

9. COMMISSIONER REPORT(S) OR COMMENT(S)

There were no Commissioner report(s) or comment(s).

10. FUTURE AGENDA ITEM REQUESTS

There were no future agenda item requests.

11. EXECUTIVE SESSION REQUESTS

There were no executive session requests.

12. ADJOURN

The meeting adjourned at 1:20 p.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/llg

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