

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **REGIONAL BUILDING COMMISSION MINUTES**

August 26, 2021

2:00 p.m.

**MEMBERS PRESENT:** Chair Tom Strand, Colorado Springs City Council  
Vice Chair Don Wilson, Mayor of Monument, Colorado  
Carrie Geitner, 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  
Erin Garcia, Director of Finance  
Matt Matzen, Front Counter Supervisor  
Linda Gardner, Executive Administrative Assistant

The Regional Building Commission meeting was conducted in a hybrid form, allowing Commission members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, or virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department’s website Boards & Committees’ page at: <https://www.pprbd.org/Information/Boards>.

### **1. CALL TO ORDER**

Chair Tom Strand called the meeting to order at 2:01 p.m.

### **2. CONSIDERATION OF THE JUNE 24, 2021 MEETING MINUTES**

A motion was made by Carrie Geitner to **APPROVE** the June 24, 2021 Regional Building Commission Minutes as written, seconded by Don Wilson; the motion carried unanimously.

### **3. NEW BUSINESS**

a) Colorado Springs Chamber & EDC Presentation by Dirk Draper.

Dirk Draper appeared and gave a brief overview of the initiatives that the Chamber and EDC (CSCEDC) have been working on in 2021. He stated the CSCEDC is continuing to pursue the U.S. Space Command; it has been a big topic in the community for the past several years. He stated the Space Symposium has been taking place at the Broadmoor

this week with approximately 7,500 participants; it is one of the largest trade shows in the world. Mr. Draper stated the CSCEDC worked this past year with the QUAD Innovation Partnership; it is a partnership of students from Colorado College, Pikes Peak Community College, UCCS, and the Air Force Academy who come together a couple times a year and form a consulting consortium and work on community issues. The current project is mapping our entrepreneurial ecosystem. Mr. Draper stated the CSCEDC is working on three new projects in its economic development work: (a) Swire Coca Cola; (b) Peak Technology Campus; and (c) Project Triangle, which we now know is Pterodynamics. He stated Colorado Springs will be hosting the first drone soccer competition in the country. Mr. Draper stated he plans to retire at the end of the year, and the CSCEDC is currently searching for a new CEO.

b) 2020 Audit Report.

Steve Hochstetter and Courtney Vance appeared virtually and presented the 2020 Audit Report. Mr. Hochstetter stated they encountered no difficulties in dealing with RBD management in performing and completing this audit. In his opinion, the financial statements present fairly, in all material respects, the financial position of the Department as of December 31, 2020, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the USA.

Ms. Vance stated total revenues increased by \$2,378,332 due to increased number of permits and fees; total expenditures increased by \$1,842,578 due to increased staffing levels and increased pension expense; and net position has increased by \$3,508,680 to \$17,763,143 in 2020 due to higher revenue than expenses and the change in the pension expense as calculated and required by GASB 68. Assets and deferred outflows exceed liabilities and deferred inflows by \$17,763,143.

Ms. Vance stated the capital assets increased by approximately \$4,000,000 from 2019 due primarily to the addition of land, and the building in progress on that land. This increase is offset by a decrease in the deferred outflows of resources. This increase in deferred outflows as well as the deferred inflows of resources and the liabilities all relate to the Colorado State Pension Plan and OPED Plan, which the Department participates in. Therefore, it is required to show its proportionate share of these deferred outflows, the liabilities and the deferred inflows. These changes are largely due to the changes in the Colorado State Reports themselves.

**4. CHANGES/POSTPONEMENTS/NOTICE OF NEXT MEETING**

September Regional Building Commission meeting date and time: Thursday, September 23, 2021, beginning at 2:00 p.m. The meeting will be conducted in a hybrid form: in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, and virtually via a program called Microsoft Teams Live events. Sufficient and timely instructions for public participation will be made available at:

<https://www.pprbd.org/Information/Boards>.

Don Wilson and Carrie Geitner stated they both have a calendar conflict with the September 23, 2021 Regional Building Commission meeting date/time. The Commission members elected to reschedule the September meeting to Thursday, September 30, 2021 at 2:00 p.m.

## 5. 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.

## 6. ADVISORY BOARD REPORT

Roger Lovell presented the Advisory Board Report.

## 7. BUILDING OFFICIAL REPORTS/NON ACTION ITEMS

### a) Financial Statement through July 31, 2021.

Erin Garcia presented the financial statement for the month of July 2021. She said for the month of July, the operating cash balance ended at \$14,100,202 with a cash balance as a percent of budget of 71 percent. She said the monthly revenue was \$1,986,882, which year-to-date is 66 percent of budget. Ms. Garcia stated the expenditures were \$1,216,056, and year-to-date expenses were at 51 percent of budget. The net gain for July was \$770,826, and year-to-date net income is \$3,084,719. She stated the Department recorded two payments for construction on the satellite facility for \$684,006 and \$633,855, which brought our cash as a percent of budget down 5 percent in July.

### b) Building Report through July 31, 2021.

Matt Matzen presented the Building Report for the month of July 2021. He said there were 472 single-family houses permitted in July, which was 18.30 percent less than this time last year. He stated there were 41 commercial building permits, which was an increase of 24.24 percent difference from this time last year. Mr. Matzen said the total valuation of permits issued in July for residential homes was \$163,076,224, which was 11.77 percent more than this same time last year; and year-to-date the total valuation of residential permits was \$1,213,192,224, which was an increase of 21.86 percent from this same time last year. He stated the total valuation for commercial permits was \$33,964,193 for the month, which was an increase of 4.69 percent from this same time last year. Mr. Matzen stated the total valuation year-to-date across all permits was \$2,498,825,496, which is an increase of 5.41 percent from the previous year. He said there were 5 permits with a valuation over \$3 million in July.

c) Plan Report through July 31, 2021.

Jay Eenhuis presented the Plan Review Report for the month of July 2021. There were 542 single family plans, which was an increase of 27 percent compared to July of the previous year; 161 new commercial plans, which was an increase of 496 percent; and a total of 1,936 plans for the month of July, which was an increase of 39 percent compared to July 2020. Mr. Eenhuis stated the Plan Review Department performed 4,601 solo reviews in July, and 389 walk-through reviews, for a total of 4,990 logged reviews for July 2021, which was an increase of zero percent from the previous year.

d) Inspection Report through July 31, 2021.

John Welton presented the Inspection Report for the month of July 2021. He said the inspectors in all departments did a total of 30,229 inspections in July, with a total of 73 field inspectors. He said each inspector averaged 20 inspections per day, and the average available time per inspection was 18.4 minutes. He stated he has been able to fill two open inspector positions.

Don Wilson asked if the Department's salary range was competitive with the salaries in other jurisdiction, and suggested that perhaps a salary study might be advisable. Roger Lovell stated the Department will look at having a salary study completed in 2022.

## 8. UNFINISHED BUSINESS

a) Virtual, in-person, or hybrid public meetings; discussion specific to electronic participation policy at public meetings.

Jina Koulchitzka stated in 2020, this Commission signed two resolutions: (a) Resolution 2020-1 specific to conduct of public meetings in the form of virtual meetings (telephone, electronic, or by other means of communication), as a result of a public health emergency or other unforeseen circumstances affecting the communities served by the Department, to provide maximum participation, or in the alternative, cancelling meetings. (b) Resolution 2020-2 specific to execution of documents by electronic signature(s).

Ms. Koulchitzka stated both resolutions allowed the Department to continue its uninterrupted operations during the public health emergency during the past 17 months. Since in-person meetings and in-person operations have resumed, the staff of the Department would like to discuss the transition to a continued hybrid model of operations. The questions for consideration are: (i) What format of meetings(s) is going to encourage public participation? (ii) How can the Department continue to comply with Open Meeting Laws? (iii) Should the Department continue to handle quasi-judicial hearings via a hybrid model, or require in-person attendance? (iv) Should the Department's committees, boards, and Regional Building Commission members be allowed to attend virtually, and if so, under what conditions? If yes, should the participation or the number of meetings they are allowed to attend virtually be limited?

Ms. Koulchitzka stated it is the Department's opinion that the hybrid model has increased accessibility to interested parties and citizens by allowing both those who cannot be physically present at a meeting and those without access to technology to fully participate. If the Department continues to allow the public to attend and participate in public meetings virtually, will the committees, boards and Regional Building Commission members also be allowed such options: unconditionally or under specific reasons like, general or personal emergencies such as inclement weather, or business travel, or personal medical reasons?

Ms. Koulchitzka stated, generally, a policy regarding hybrid meetings would be similar to the following: The governing body shall conduct regular and special meetings by telephone, or other electronic means of participation such as video conferencing. Often jurisdictions define that as electronic participation. The body generally makes a finding in that document that participation can, under appropriate circumstances, increase the public's participation in matters of the Department's business, and facilitate the ability of volunteers, like Commission members, and other volunteers on the Department's committees and boards to fulfill their duties during times when they may not be physically present at a meeting that is being conducted at the Department. Generally, this policy would cover regular and special meetings by telephone or electronic means.

A discussion was had regarding the volunteers on the committees, boards and Regional Building Commission being in a physical location with good connectivity, telephone or internet that are free from distractions. Reasonable accommodations should also be taken into consideration. The Department has been proactive in light of those, whether in person or virtual meetings have been conducted in the past 17 months, and prior to that.

Ms. Koulchitzka stated one other consideration is who is authorized to discontinue a volunteer or a member of the public if they become burdensome to an electronic participation or a hybrid meeting. Something else to consider is the effect of electronic participation, and that is more so specifically to the Commission members and the rest of the volunteers that sit on the Department's committees and boards. What is considered "being present" for purposes of establishing a quorum and entitlement to vote on matters coming before that specific body.

Ms. Koulchitzka stated another consideration is Executive Sessions. Executive Sessions via a virtual meeting do work. If that is a forum that the Commission wishes to consider having available going forward, she would urge the Commission to consider a policy in the form of a resolution that actually documents and allows that type of Executive Sessions.

Ms. Koulchitzka stated quasi-judicial hearings are also a very important matter for consideration. The Department has successfully conducted quasi-judicial hearings in the past 17 months. Generally those are a result of summons for appearances before the Department's Licensing Committee, the Technical Committee, and resulting appeals

before the Board of Review. The Department also has the authority to declare dangerous buildings; under the Dangerous Building Declaration Section, there is the opportunity for an appeal. When those appeal rights are timely and properly exercised, then the Board of Appeals will conduct a quasi-judicial hearing on the subject matter. The higher degree of formality for quasi-judicial proceedings was discussed. The hybrid quasi-judicial hearings allow the public to participate; notwithstanding, there are jurisdictions, however, that have taken the position that it is more difficult to conduct these types of proceedings virtually or in a hybrid form, therefore in-person appearances are required. Ms. Koulchitzka stated that it is her opinion that the hybrid form of participation has made this type of proceeding much more accessible to the public and to the interested parties. It is a cost saving tool, including but not limited to those interested parties who are represented by counsel during those proceedings.

Lastly, Ms. Koulchitzka stated execution of documents by electronic signature(s) has created efficiencies and continuation of such practices with sufficient checks and balances (i.e., records preservation) will be beneficial to the Department.

Don Wilson stated he believes the Commission should move forward with continuation and implementation of Resolution 2020-2 for electronic signature; Chair Strand and Carrie Geitner agreed with Mr. Wilson.

Ms. Geitner stated she feels the hybrid meetings allow for a great deal of availability of public participation. She stated the hybrid meetings also allow board members to participate in meetings that they might not otherwise be able to do, for example, when traveling, etc. Both Chair Strand and Ms. Geitner stated the City and County respectively allow Executive Sessions during hybrid meetings. Roger Lovell stated there are a number of public participants in the Technical and Licensing Committees, and the hybrid meetings offer a convenience for people outside of the our community, and at times outside of the State. In the past, these people have had to travel long distances to participate in one meeting, and with the hybrid meetings that is no longer required. He stated there has been very little public participation with the Commission meetings, even prior to the pandemic. Ms. Koulchitzka stated the decision of the Commission regarding this matter will be implemented by all of the Department's boards and committees.

Don Wilson stated in Monument there are no limits on the number of excused absences, but there is a limit on the number of meetings that board members can attend virtually. Ms. Koulchitzka stated she will draft two resolutions for presentation to the Commission for the September 30, 2021 meeting, which extend Resolutions 2020-1 and 2020-2. Ms. Geitner stated perhaps some language should be written in the proposed resolutions to make the Department's committee, boards, and Commission members held accountable to attend as many meetings in-person as possible, with a limit on virtual meeting attendance, with a provision for extenuating circumstances.

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

Don Wilson stated he may have a calendar conflict with the current Commission meeting schedule for the following nine months; it may not affect every meeting during that timeframe, but he may not be able to attend approximately three of the Commission meetings during that time. The Commission members determined that since it will not affect all meetings during the next nine months, the current schedule will remain as is, and a quorum should be able to be maintained with the current Commission members during Don Wilson's absence during those meetings.

**10. FUTURE AGENDA ITEM REQUESTS**

Carrie Geitner requested a presentation by Department staff regarding "things coming down from the State that are driving up the costs of construction." Roger Lovell stated Department staff is anticipating new information from the State regarding this issue in the near future, and stated Department staff will give a presentation during the October Commission meeting.

**11. EXECUTIVE SESSION REQUEST**

There were no Executive Session requests.

**12. ADJOURN**

The meeting adjourned at 4:00 p.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official

RNL/llg

Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

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