

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **REGIONAL BUILDING COMMISSION MINUTES**

February 28, 2018

3:00 p.m.

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

**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  
Mindy Stuemke, Front Counter Supervisor  
Linda Gardner, Executive Administrative Assistant

**PROCEEDINGS:**

Chairman Tyler Stevens called the meeting to order at 3:03 p.m.

### **1. CONSIDERATION OF JANUARY 24, 2018 MINUTES**

A motion was made by Tom Strand to **APPROVE** the January 24, 2018 Building Commission Minutes, as written, seconded by Mark Waller; the motion carried unanimously.

### **2. NEW BUSINESS**

- a) Flying W Ranch, Inc.’s Request for Waiver of PPRBD Permit and Plan Review Fees for the Contemplated Construction Project at 3330 Chuckwagon Road

Roger Lovell stated the City of Colorado Springs has requested that RBD consider a waiver of permit and plan review fees for the contemplated project by Flying W Ranch, Inc. (the “Flying W”). As a result and in follow-up to an appearance and presentation to the Advisory Board with the same request by Flying W, RBD advised Flying W it had the right to appear before RBD’s Building Commission to confirm and document its request that permit and plan review fees be waived for the rebuilding of the \$4 to \$5 million ranch project at its former location (the “Ranch”). Leigh Ann Wolfe, owner of Flying W, Aaron Winter, General Manager of Flying W, and David Vanderham, Art C. Klein Construction, appeared. Mr. Winter stated Flying W is requesting to have the permit fees waived on its project. He gave a brief history of the Ranch and how it got started. He stated the Flying W, through its foundation, is very involved in erosion and flood control, which is necessary

due to the Waldo Canyon fire. He stated Flying W and/or its foundation has contributed \$6.5 million to the City of Colorado Springs in the way of flood and fire mitigation. Mr. Winter stated the Ranch was a big tourist attraction, which offered chuck wagon dinners, western music, and gift shops for their visitors prior to the Waldo Canyon fire.

Leigh Anne Wolfe stated they are asking to have the fees waived for all of the buildings that were lost in the fire, and are contemplated on being rebuilt. She stated there were 29 structures that were burned in the fire; and the Ranch was underinsured. She stated the first request is for the inside eating area that seats approximately 1,400 people. Ms. Wolfe stated Flying W hoped to build additional structures, and it would be asking to have those fees waived as well. She stated she had already paid the permit/plan review fees during the initial construction of these buildings, and during the fire they did not have one fire fighter at the Ranch. She stated although the Flying W is a for profit corporation, it does not make money.

Chairman Stevens stated there are two requests, i.e. to waive the fees for the Chuckwagon Restaurant, and also to waive the fees for additional structures that will be rebuilt in the future.

Mark Waller stated the purpose of RBD is not to be involved in economic development. He stated RBD was criticized for making “donations” to outside entities in the recent past, and this is just another avenue of this same type of “donation” for economic development. He stated RBD gave a rebate of permit fees to Children’s Hospital, and was publicly criticized for it, and the City is now requesting that RBD make a similar “donation” of fees.

Chairman Stevens stated Children’s Hospital is a non-profit corporation, but the Flying W is a for profit corporation.

Roger Lovell stated the total RBD fees would be \$20,622, which estimate was based on a \$5 million valuation for a single structure, as proposed by Flying W.

Jeff Greene, City of Colorado Springs, stated the City is prepared to waive the City’s fees with regard to the rebuilding of the Ranch. He stated the Ranch would have been rebuilt earlier, but because of the flood mitigation that took place, it has taken much longer to get to this point in the rebuilding process. He stated the City wishes RBD to treat the Flying W fairly and equitably as an economic development project, and perhaps this could be looked at as an economic development process. Mr. Greene stated the City invests in economic development for a number of different entities. He stated he has the utmost respect for RBD and Roger Lovell, RBD’s Building Official. He stated that neither the City nor CSU has a process in effect for economic development; as a result, he proposed that the City and RBD work together with regard to these types of processes.

Jina Koulchitzka stated this request came before the Advisory Board last week, and the Advisory Board denied Flying W's request to have the fees waived. Ms. Koulchitzka summarized for the Commission the reasons the Advisory Board denied the request with a recommendation for a denial to the Commission. Ms. Koulchitzka further stated that because this was considered a budgetary matter, RBD would only have authority to waive fees if such request was made to the Advisory Board and the Building Commission and approved thereof.

Don Knight, Colorado Springs City Council, appeared and stated he has been working with Leigh Anne Wolfe with regard to the rebuilding of the Ranch. He stated he believes the Ranch should get the same consideration as the homeowners whose homes burnt received; and he learned today that the homeowners did not have their fees waived. He stated he was requesting that RBD search other avenues to help Flying W with its rebuilding fees.

Mr. Greene reviewed how the City had helped other economic projects in the community. He stated the City Council is the governing body that reviews the LART requests. He stated City Council had approved a \$75,000 allocation for the Ranch.

Bob Cope, Economic Development for the City of Colorado Springs, appeared and stated his office had been working with Flying W since right after the Waldo Canyon Fire, and the Ranch was the only commercial business that was lost in the fire. He stated he believes the Ranch is the City's legacy. He stated the City is striving to develop an economic strategy to help entities like Flying W and he hopes to work with RBD in this regard in the future.

Ms. Wolfe stated that during the Waldo Canyon fire, Flying W was the only entity that did not have any fire fighters.

Mr. Lovell stated the Ranch was the only commercial property that was destroyed during the Waldo Canyon fire, and RBD took great measures to help the homeowners that lost their homes during the fire by streamlining the permit and plan review process, but RBD did not waive or reduce permit/plan review fees for those homeowners.

A motion was made by Tom Strand to table this request for 60 days, and request that RBD staff look into other avenues where it might be able to find a funding source to assist Flying W with its permit and plan review fees, seconded by Mark Waller; the motion carried unanimously.

Mark Waller stated if RBD does support Flying W's request, it is opening itself to ridicule in the media for doing so. He stated he supports the motion and is hopeful that RBD can reach a process that might be helpful. Chairman Stevens stated he would also like to find a solution to this issue, but he struggles with how it can be accomplished.

Break from 4:29 p.m. to 4:40 p.m.

**3. PUBLIC COMMENT**

There were no Public Comments to discuss.

**4. ADVISORY BOARD REPORT**

Ms. Koultschitzka appeared and gave the Advisory Board Report.

**5. BUILDING OFFICIAL REPORTS**

a) Financial Statement

Ryan Johanson presented the financial statement for the month of January 2018. He said the current operating balance is \$9,319,176. He said the cash balance is 64 as a percent of budget. Mr. Johanson said the current month revenue was \$1,112,296, as is the year-to-date revenue. He said the expenditures were \$1,475,752, which resulted in a loss of \$363,456, for the month of January, as well as year-to-date. Mr. Johanson stated the Licensing Rewards Program has been very successful, and RBD gave discounts for license renewals in the amount of \$19,950 in January, and year-to-date as well. Roger Lovell stated historically, RBD usually shows a loss for the month of January, due to expenses that are paid the first of the year.

b) Building Report

Mindy Stuemke presented the Building Report for the month of January 2018. She said there were 297 single-family houses permitted in January, which is 30.40 percent more than this time last year; and 35 commercial building permits, which is the same as the previous year. She said the total valuation of permits issued in January was \$15,739,524, which is 33.55 percent more than this same time last year; and the total valuation of permits issued to date in 2018 is \$185,282,508, which is a decrease of 7.83 percent over this same time last year. Ms. Stuemke said there were 2 permits in January with a valuation over \$3 million. She said there have been 331 single family home permits to date in February. She said the Front Counter staff is seeing 110 walk through customers per day. Ms. Stuemke said the phone volume is averaging approximately 340 to 350 calls per day.

c) Plan Review Report

Jay Eenhuis presented the Plan Report for the month of January 2018. He said there were 376 single family plans, which is an increase of 66 percent compared to January 2017; 61 new commercial plans, which is an increase of 110 percent; and a total of 859 plans, which is an increase of 67 percent compared to January 2017. He stated there were 89

Commercial Plans submitted electronically in January 2018, or a 31 percent increase compared to January 2017; and 96 Residential Plans submitted electronically, which is an increase of 134 percent; for a total of 376 E-Plans in January 2018, a 69 percent increase from January 2017. Year to date, approximately 44 percent of all plans submitted have been submitted electronically. Mr. Eenhuis stated the Plan Review Department performed 885 Solo Reviews in January, and 2,317 Walk-through reviews, for a total of 3,202 logged reviews for January 2018, and year-to-date, which is an increase of 30 percent from the previous year.

d) Inspection Report

John Welton presented the Inspection Report for the month of January 2018. He said the inspectors in all departments did a total of 23,792 inspections in January 2018, which is 3,500 more inspections than January 2017, with a total of 53 inspectors. He said each inspector averaged 21.1 inspections per day, and the average time per inspection was 16.7 minutes.

Tom Strand stated the Building Commissioners would like to thank RBD's staff for the outstanding job they are doing.

**6. UNFINISHED BUSINESS**

a) 2017 Pikes Peak Regional Building Code Adoption Update

Roger Lovell stated RBD received final approval of the 2017 ed. of the Code yesterday from El Paso County and the City of Colorado Springs. He stated every jurisdiction has different questions, different expectations, and different concerns. Ms. Koulchitzka added that RBD will be presenting the 2017 ed. of the Code to the remaining cities and municipalities in the very near future.

b) RBD Staff Introductions

Mindy Stuemke introduced Matt Matzen, RBD's new Senior Permit Technician.

**7. FUTURE AGENDA ITEM REQUESTS**

There were no Future Agenda Item Requests.

**8. EXECUTIVE SESSION REQUESTS**

There were no Executive Session Requests.

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The meeting adjourned at 5:11 p.m.

Respectfully submitted,

Roger N. Lovell  
Regional Building Official

RNL/llg