

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **REGIONAL BUILDING COMMISSION MINUTES**

April 14, 2016

3:00 p.m.

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

**MEMBERS ABSENT:** None

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

### **PROCEEDINGS:**

Chairman Tyler Stevens called the meeting to order at 3:07 p.m.

#### **1. NEW BUSINESS**

##### **a) Disability Access Presentation by Patricia Yeager**

Drew Wills, Independence Center Board Member, appeared and stated Colorado Springs has no oversight, no planning, no review, no inspection and no permitting of accessibility outside of 5' outside of a building for people with mobility impairments. He stated there are local contractors and landowners that would like to make improvements, but they do not have any guidance. He stated he is a long-time resident of Colorado Springs and has become quite invested in this community. Mr. Wills stated he has been in a wheelchair for the past 11 years. He said accessibility issues affect a large group of people, i. e., people using canes, walkers, manual wheelchairs, power wheelchairs, mothers with strollers, etc. He stated they have made this issue known in other venues for a number of years, without a great deal of success. Mr. Wills stated they have made a formal request with regard to Code revisions pertaining to this issue. He stated in many areas in the United States, this is being done, most often by the local building departments. He said they are requesting that items, such as grading, ramps, parking, etc. be looked at so they meet the accessibility requirements.

Pat Going appeared and stated drive-by lawsuits are becoming an issue in Colorado Springs, whereby people drive by and note an ADA violation and initiate a lawsuit. Dave May, Accessible Communities Today ("ACT"), appeared and stated he met with staff from RBD

2½ years ago about this issue. He stated he is a youth pastor, and has been in a wheelchair since 2005 due to an accident. He stated he has been turned away from voting, because the voting booths were inaccessible; and has not been able to use “accessible” parking because it was only accessible by stairs. Mr. May stated almost every one of the top 30 employers in this region are violating the accessibility issues. He stated most employers do not want to turn away business, but they are unaware that there are accessibility issues getting in to their businesses.

Mr. Wills stated they are hereto today trying “get this done in the right manner” because they cannot go business to business and person to person to try to get this done. He stated most people support their efforts

Sharon King, volunteer for ACT, appeared and stated that the developer points to the builder, who points to RBD, who points to City Council, and it keeps going. She stated she believes RBD is in a position to make changes by modifying the Code. Patricia Yeager appeared and stated the Springs Mission built a new building in a manner that is not accessible. She stated they are here to ask RBD to do something to make all new construction accessible, and asked when will this happen.

Larry Bagley stated he knows there is a definite need, but he does not know who should be responsible. Mark Mahler appeared and stated he represents the Affiliated Commercial Contractors Association, and he is aware that there are a number of inaccessible businesses in Colorado Springs. He stated he has been a Class “A” Commercial Contractor in Colorado Springs for 30 years and he has had personal experiences with RBD, the City and the County where he has been required to make modifications to his projects to make the buildings accessible. He stated when it comes to new construction, he supports RBD in their efforts to meet ADA compliance.

Henry Yankowski, El Paso County Administrator and previous RBD Building Official, stated RBD only has the authority granted to it by the jurisdictions or the school districts. He stated each of the seven jurisdictions want to have control over their own site development. He stated this excludes federal buildings, post offices, schools, etc. Mr. Yankowski said in many instances, the ADA issues start when the grading is done for a building.

Mr. Wills stated the 2009 International Building Code (“IBC”) has a whole section on accessibility, but the Pikes Peak Regional Building Code has an exemption to that Section of the International Building Code. He stated they are requesting the removal of Section RBC302.4.18 from the 2011 Pikes Peak Regional Building Code, which is an exemption to the 2009 IBC. Roger Lovell stated this section is not an exemption to the Code, it is just the limitation where RBD has jurisdiction; it is not an exception to the ANSI Standards adopted by reference in the 2009 IBC.

Peter Wysocki, City of Colorado Springs, stated the City has formed a Task Force regarding this issue to bring awareness and discussion to the topic, but they are waiting to see what the Building Commission and RBD plans to do with regard to enforcing ADA compliance. He stated they are looking at this issue in three parts, i.e. facilities that the local jurisdictions own such as sidewalks and city parks, new construction and post certificates of occupancy.

Dennis Hisey suggested that a Committee be formed to see how other municipalities are handling this issue. Mr. Wills stated he and his group would be happy to work with the Committee. Larry Bagley suggested the RBD Building Commissioners take the initiative to investigate this issue further. He requested that this issue continue to stay on the Building Commission Agenda as a report. Tyler Stevens thanked everyone from the Independence Center for attending the Building Commission meeting, and for their input in identifying the issues, helping the Committee members realize there is a gap, and the need to arrive at a solution to the matter.

Break from 4:20 p.m. to 4:30 p.m.

## 2. **CONSIDERATION OF FEBRUARY 18, 2016 MINUTES**

A motion was made by Dennis Hisey to **APPROVE** the February 18, 2016 Building Commission Minutes as written, seconded by Larry Bagley; the motion carried unanimously.

## 3. **PUBLIC COMMENT**

There were no Public Comments to discuss.

## 4. **ADVISORY BOARD REPORT**

An Advisory Board Report was not given this month, because the meeting is taking place the following week.

## 5. **BUILDING OFFICIAL REPORTS**

### a) Financial Statement

Roger Lovell presented the financial statement for the month of February 2016. He said the current operating balance is \$5,767,938, with a budget of \$12,472,464. He said the cash balance is 46.25 as a percent of budget. Mr. Lovell said the current month revenue was \$956,637, and total year-to-date revenue was \$1,799,649. He said the expenditures were \$751,556, which resulted in a gain of \$205,080, for the month of February. Mr. Lovell said the total year-to-date expenditures were \$1,917,146, which resulted in a total year-to-date loss of \$117,496. He said the web subscriptions remain strong at approximately \$9,400 year-to-date.

b) Building Report

Mindy Stuemke presented the Building Report for the month of March 2016. She said there were 372 single-family houses permitted, which is a 38.81 percent increase from this same time last year. She said there were 45 commercial building permits issued in March, which is an increase of 104.55 percent. Ms. Stuemke said the total valuation of permits issued in March was \$18,210,037, which is a decrease of 44.81 percent; and the total valuation of permits issued to date in 2016 is \$528,420,227, which is an increase of 25.74 percent. She said there were four permits in February and March with a valuation that exceeded \$3 million. She said there are 161 single family permits to date in April. Ms. Stuemke stated the Front Counter is averaging 525 phone calls per day; and the Licensing Department is averaging 75 phone calls per day. She said the wait time is 2 to 5 minutes for customers at the Front Counter and at Licensing; and they are averaging about 120 customers per day at the Front Counter, and Licensing is seeing approximately 25 customers per day.

c) Plan Review Report

Jay Eenhuis presented the Plan Report for the month of March 2016. He said there were 349 single family plans, which is an increase of 27.8 percent over this same time last year; 173 residential alteration plans, which is an increase of 43.0 percent; 54 new commercial plans, which is an increase of 200.0 percent; 172 commercial alterations plans, which is an increase of 43.3 percent; and 69 all other plans, which is a decrease of 9.2 percent, for a total of 817 plans, which is an increase of 34.4 percent over this same time last year. He said the total plans year to date yields an overall increase of 28% compared to this time last year. Mr. Eenhuis stated the average wait time was 8.26 minutes and the review time was 4.24 minutes. He said there were 388 electronic plans submitted in March 2016 out of 817 total plans, or 47.5 percent in e-submittals, compared to March 2015, which was 36 percent. He stated the Plan Review Department is seeing 96 walk-thru plans per day. Mr. Eenhuis stated the total valuation for the year has increased by 23.4 percent compared to this time last year.

Henry Yankowski stated RBD is working with the County in trying to do site, development and subdivision plans electronically as well. He stated there is a large savings in printing costs and he appreciates RBD working with the County on this. He said it is a large savings for the City, County and RBD.

Mr. Eenhuis stated the Code updates went into effect April 1<sup>st</sup> and the new Committees will go into effect on May 1<sup>st</sup>.

d) Inspection Report

John Welton presented the Inspection Report for the month of March 2016. He said the building inspectors did 7,512 inspections in March; the electrical inspectors did 4,718

inspections in March; and the mechanical/plumbing inspectors did 7,379 inspections in March. He said the total number of inspections for all departments was 19,609, and each inspection averaged 17.1 minutes in March.

**6. UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

**7. FUTURE AGENDA ITEM REQUESTS**

Roger Lovell stated the accessibility issue with the Independence Center will be treated as a report on future Building Commission Agendas under Unfinished Business.

**8. EXECUTIVE SESSION**

There were no Executive Session requests.

The meeting adjourned at 5:06 p.m.

Respectfully submitted,

Roger N. Lovell  
Regional Building Official

RNL/llg