

Meeting Minutes: Construction Codes Advisory Council

Date: Feb. 29, 2024

Time: 9:30 a.m.

Location: DLI, 443 Lafayette Rd. N., St. Paul, MN 55155 / WebEx

Members

1. Karl Abrahamson
2. Mary Barnett (alt for Mara Peterson)
3. Lori Bauer (WebEx)
4. Mark Brunner
5. Cedergren, Dirk (alt for Reed Sprung)
6. Chris Ferguson (WebEx)
7. Arne Grant
8. Barry Greive (WebEx)
9. Gerhard Guth
10. Tom Jenson
11. David Kegler
12. Russ Landry
13. Shelonda Marie-Alves (WebEx)
14. Greg Metz – Chair
15. William Pim (WebEx)
16. Mario Salute (alt for Dan McConnell) (WebEx)
17. Steve Ubl
18. Mark Worms

Members Absent

Duane Hendricks
Dan McConnell (alternate attended)
Mike Paradise
Mara Peterson (alternate attended)
Reed Sprung (alternate attended)

Staff & Visitors

Kate Perushek – Deputy Commissioner
Jeff Lebowski – Atty for CCAC, DLI
Lyndy Logan – DLI
Daniel Becker – DLI (WebEx)
Adam Case – DLI
Tom Gray – DLI (WebEx)
Karen Gridley – DLI

Staff & Visitors continued...

Hannah Mardaus – DLI (WebEx)
Chad Payment – DLI (WebEx)
Ryan Rehn – DLI
Bill Reinke – DLI
Chris Rosival – DLI (WebEx)
Steve Shold – DLI
Don Sivigny – DLI
Mark Sneep – DLI
Amanda Spuckler – DLI (WebEx)
Jim Weaver – DLI
Scott Anderson – City of Minneapolis (WebEx)
Jessica Archer – Target (WebEx)
Tom Barbeau – Barbeau Architects (WebEx)
Brenda Berends – City of Cambridge (WebEx)
Nate Borwege – City of Edina (WebEx)
Nick Erickson – Housing First MN
Eric Fowler – Fresh Energy (WebEx)
David Griefenhagen – IUEC (WebEx)
Shae Horning – MN House of Rep (WebEx)
Carl Kaase – MN House of Rep (WebEx)
Stephen Kartak – City of Eden Prairie (WebEx)
Elizabeth Kosel – Home Builders ASSN F-M (WebEx)
Rep. Larry Kraft – MN House of Republicans
Jeff Mang – Mang Consulting (WebEx)
Krystina Nickila – City of Virginia (WebEx)
A. Olson – Adjustasink (WebEx)
Angela Peterson – CEE
Rep. Lucy Rehm – MN House of Rep (WebEx)
Erin Sherman – RMI (WebEx)
Josh Simma – BWBR (WebEx)
Adam Smith – Viega (WebEx)
Billy Taylor – NEII (WebEx)
Nick VanDuzee – Centerpoint Energy (WebEx)
James Williamette – City of St. Paul (WebEx)

1. Call to order

- A. Chair Metz called the meeting to order at 9:30 a.m.
- B. Roll call was taken by Ryan Rehn (chair alternate) and a quorum was established with 18 members present in person or via WebEx. A quorum was maintained throughout the meeting.
- C. Announcements/Introductions – Chair Metz
 - Welcome new/re-appointed members:
 - Arlen Grant, new member, Licensed Professional Engineer
 - Mike Paradise, re-appointed, Licensed Residential Building Industry
 - Barry Grieve, re-appointed, Commercial Building Owners/Managers
 - Everyone present in person and remotely can hear all discussions.
 - All votes will be taken by roll call if any member is attending remotely.
 - All handouts discussed and WebEx instructions are posted on the [Council's website](#).
- D. WebEx instructions/procedures were read aloud.

2. Approval of meeting agenda

A motion was made by Jenson, second by Brunner, to approve the agenda as presented. The roll call vote was unanimous with 18 votes in favor; the motion carried.

3. Approval of previous minutes

A motion was made by Guth, seconded by Landry, to approve the Nov. 8, 2023, meeting minutes with the removal of Greg Metz under Staff & Visitors. The roll call vote was unanimous with 18 votes in favor; the motion carried.

4. Regular business

Expenses were approved.

5. Department update

Deputy Commissioner Perushek summarized legislation impacting the Department.

6. Division update – see [presentation](#)

- A. Grants Program – Greg Metz
- B. DLI Rulemaking
 - a. Adult-sized changing facilities – Karen Gridley
 - b. Electric vehicle charging facilities for commercial buildings – Greg Metz
 - c. Window cleaning safety – Greg Metz
 - d. Residential Energy Code TAG – Steve Shold
 - Representative Kraft summarized the proposed language for Residential Energy Code reform – see [presentation](#), slide 31
 - Chair Metz said the 2038 residential energy conservation legislative goal baseline is based on the 2006 IECC document. The 2006 IECC is based on the same grounding as the Commercial Energy Code criteria, the 2004 ASHRAE 90.1 document. It is good that the same baseline is being used for both commercial and residential construction. The 70% reduction from that baseline essentially gets us to net zero ready residential construction efficiency for Minnesota by 2038 without requiring energy production required for actual net-zero. DLI statutorily does not have the authority to require energy production onsite.
 - Rep. Kraft said there is one more part of the Bill about a rebate program that they're trying to put in place but will be subject to budget. This is for those who

want to go to that zero energy ready now – there is funding from the federal government, from the IRA, a \$5,000 per unit rebate for developers. There's a cost to get one's property certified so this would cover that cost in a rebate program. Right now, it is written to be administered by DLI but they're looking to change this to Commerce.

- Landry clarified that the site energy doesn't consider plant efficiency. It's just energy use at the site. There will be source energy that considers the grid efficiencies and so forth.
- Rep. Kraft summarized HF 4241, Statewide Building Code enforcement – see [presentation](#), slide 33 & 34.
- Rep. Kraft summarized HF 3351, Single Stairway Apartments as follows:
 - Municipal fire department must have the equipment to access every emergency escape and rescue opening (egress window) on the building from the lowest level of fire department access.
 - If buildings have zero setback on the sides and an alley on the back, then if there are egress windows on the back/alley side, those too must be able to be safely reached by the municipal fire department from the lowest level of fire department access. Sometimes alleys get tight, and the fire equipment needs to deploy outriggers and also be able to maintain a minimum slope on the ladder to climb it safely.
 - Separation between dwelling unit entries and the stairwell so that apartment doors can't be propped open and compromise the stairways.
 - Minnesota would be the second state to adopt/allow this after Washington State.
 - Concern regarding firefighter safety and occupant safety with occupants trying to go down the stairs when firefighters are trying to go up. Code minimum stairways do not accommodate this congestion because it assumes at least two stairways that firefighters will be going up the stairway closest to the fire and occupants go down stairways more remote to the fire. Stairways are one-way traffic.
 - Should consider emergency egress situations other than fires, like active shooter incidents. Fire is not the only reason to evacuate a building.
 - Very concerned about taking away a means of egress. Many points were brought up regarding residents setting trash in corridors, blocking doors, propping doors open, two-way traffic in the stairwells, and almost no room to pass in the stairway. TAG should consider requiring wider stairways to accommodate two-way traffic during emergencies with firefighters wearing and carrying their equipment. TAG should consider requiring trash chutes so that trash is not carted up and down the elevator or stairway or left in corridors because bringing the trash down would be too much work.
 - Elevators should be required. Requiring elevators will ensure that the buildings meet the minimum accessibility requirements and provide more equitable housing in the form of Type B units. Would also include requirements for two-way communications systems.
 - Elevators should be sized to accommodate stretchers for emergency response teams.

- Consider requiring some “missing middle” housing by requiring some of the dwellings on each floor to be more than 2-bedrooms. Discuss this in the context of the current overall housing shortage.
- This statute will require a separate TAG after the 1305 primary TAG to convene in the fall if the bill passes, and then incorporate into the overall 1305 changes for implementation in 2026.

7. Regular business – Greg Metz, Chair

A. Legislative update

- a. Proposed Point Access Blocks – single egress stairway
- b. Proposed EV charging requirements for all residential construction
 - Representative Rehm summarized proposed Bill HF3439 – see [presentation](#), slide 30.
 - Greive asked if DLI has looked at the work done last year on EV charging and the proposed rules to see how this would affect that.
 - Chair Metz said they have not specifically addressed this Bill because it was presented after the Technical Advisory Group had completed their work. However, he doesn’t see that this would impact that work because essentially fewer than four dwelling units, such as triplexes, would likely fall under the residential energy code anyway.
 - Greive asked what definitions would be used for commercial and multi-family structures. It also says that all new residential buildings that provide on-site parking – this could mean a single-family home with a driveway.
 - Chair Metz said that is correct and he believes this is the intent of this bill, single-family residential dwellings. Staff’s recommendation is to accept this as an amendment to the MN Electrical Code, so it would apply throughout the state of Minnesota. It is primarily an electrical requirement at this point so it would not land in the Energy or Building Code. The department typically does not amend the Electrical Code.

B. Well contractors seeking statutory authority to design water service piping from well to pressure tank

- Plumbing Board is currently working on rulemaking.

C. Existing buildings energy performance criteria off the table this session

- This was discussed in a previous meeting regarding DLI incorporating some existing building performance criteria into the energy codes – this is a pretty heavy lift, essentially building performance standards. Nationally, the way that building performance standards are unfolding and developing is that they measure the energy use of existing buildings. So, it includes both building envelope use, HVAC, service water heating, and plug loads. Because the whole plug load piece is outside of our jurisdiction, we can't do building performance standards through DLI, through Minnesota Statute 326B. So, Congress is taking this on, they have a statute that's been approved for them to be able to take this on, and they're in the process of unpacking a building performance standards program and criteria for that moving forward. So, that will come off our plate.

- D. Building resiliency scoping addition to the State Building Code off the table
- Metz said he pitched trying to add building resiliency scoping to the State Building Code this year; however, they are not moving forward this year. He will continue to study this and take another run at this next year.

8. New business

- A. 2024 Code Cycle- Technical Advisory Groups – see [presentation](#)
- MN Rules Chapters 1300, 1301, 1302 and 1303 Administration, BO Certification, SBC Approvals, Special Provisions
A motion was made by Guth, seconded by Barnett, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried. (Marie-Alves no response).
 - MN Rules Chapter 1305 (Commercial) Building Code
A motion was made by Jenson, seconded by Abrahamson, to approve the Technical Advisory Group with the addition of Barry Greive. The roll call vote was unanimous with 17 votes in favor; the motion carried. (Marie-Alves no response).
 - MN Rules Chapter 1307 Elevators
A motion was made by Ubl, seconded by Barnett, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 18 votes in favor; the motion carried.
 - MN Rules Chapter 1309 Residential Building Code and
 - MN Rules Chapter 1309 Residential Building Code – Mechanical Provisions
A motion was made by Grant, seconded by Abrahamson, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 18 votes in favor; the motion carried.

William Pim left the meeting at 11:10 a.m. resulting in 17 voting members.

- MN Rules Chapter 1311 Conservation Code for Existing Buildings
A motion was made by Greive, seconded by Ubl, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried.
- MN Rules Chapter 1323 Commercial Energy Code (ASHRAE 90.1-2022)
Technical Advisory Group will be formed at a later date.
- MN Rules Chapter 1341 Accessibility Code
A motion was made by Barnett, seconded by Landry, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried.
- MN Rules Chapter 1346 Mechanical & Fuel Gas Code
A motion was made by Grant, seconded by Guth, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried.

j. Structural Provisions

A motion was made by Barnett, seconded by Grant, to approve the Technical Advisory Group as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried.

9. Open Forum

None

10. Council member discussion

None

11. Announcements

The CCAC normally meets twice annually in the spring and fall. Meeting notifications are sent one week prior. Please contact Lyndy.Logan@state.mn.us if you would like to be added to these notifications.

12. Adjournment

A motion was made by Landry, seconded by Jenson, to adjourn the meeting at 11:22 a.m. The roll call vote was unanimous with 17 votes in favor; the motion carried.

Respectfully Submitted,

Lyndy Logan

Executive Secretary to the CCAC

Green meeting practices

The State of Minnesota is committed to minimizing in-person environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.