

## Meeting Minutes: Construction Codes Advisory Council

Date: May 27, 2021

Time: 9:30 a.m.

Location: WebEx Event

### **Members:**

1. Lori Bauer
2. Mark Brunner
3. Barry Greive
4. Gerhard Guth
5. Duane Hendricks
6. Mike Herman
7. Ken Hinz
8. Tom Jenson
9. Shelonda Marie-Alves
10. Laura McCarthy
11. Dan McConnell
12. Scott McLellan
13. David Morlock
14. Mike Paradise
15. Reed Sprung
16. Stephen Ubl
17. Mark Worms

### **Members Absent**

Mike Warren

### **Staff & Visitors**

Jeff Lebowski – DLI  
Lyndy Logan – DLI  
Kelly Cooper – DLI  
Charlie Durenberger – DLI  
Dean Hunter – DLI  
Dan Kelsey – DLI  
Marty Kumm – DLI  
Rich Lockrem – DLI  
Scott McKown – DLI

### **Staff & Visitors**

Eileen McNiff – DLI  
Greg Metz – DLI  
Chad Payment – DLI  
Amanda Spuckler – DLI  
Suzanne Todnem – DLI  
John Williamson – DLI  
Scott Anderson – City of Mpls  
Jessica Archer – Target  
Ezra Ballinger – Braun  
Richard Becker – Steen Eng  
Don Dabbert, Jr. – Dabbert Homes  
Barbara Conti – Dept of Commerce  
Nick Erickson – Housing First  
Christian Faste – City of Burnsville  
Richard Hauffe – ICC  
Bryce Johnson – Home Builders Assoc – Fargo  
Grace Keliher – BAM  
Eric Lacey  
Russ Landry – CEE – MN Chapter of ASHRAE  
Jeffrey Mang – Mang Consulting  
Michael Pivec – City of St. Louis Park  
Ben Rabe – Fresh Energy  
John Smith – MCE  
Kurt Welker – Welker Custom Homes  
Nicole Westfall – MEEA  
James Williamette – City of St. Paul

**1. Call to order**

- A. Roll call by Executive Secretary – a quorum was established with 17 members present via WebEx and a quorum was maintained throughout the meeting.
- B. Announcements/Introductions
- Chair McLellan welcomed new members Lori Bauer, Shelonda Marie-Alves, David Morlock, Barry Greive, Mark Worms, and re-appointed member Mike Paradise.
  - Thank you for joining this remote meeting held via WebEx. As Chair, I have determined that today’s meeting is being held electronically via the WebEx format due to the current status of the State of Minnesota operating under the peacetime emergency due to the COVID-19 health pandemic. Per Minnesota Statutes, section 13D.021, electronic meetings are acceptable when holding an in-person meeting is “not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.” All votes will be taken by roll call.
  - Council members and attendees present on this WebEx will be able to hear all discussions. All handouts discussed and WebEx instructions are posted on the Council’s website, visit: <https://www.dli.mn.gov/about-department/boards-and-councils/construction-codes-advisory-council>. WebEx instructions/procedures were read aloud.

**2. Approval of meeting agenda**

A motion was made by Hendricks, second by Greive, to approve the agenda as presented. The roll call vote was unanimous with 17 votes in favor; the motion carried.

**3. Approval of previous minutes**

A motion was made by Herman, seconded by Paradise, to approve the Dec. 10, 2020, meeting minutes as presented. The roll call vote was unanimous with 12 votes in favor and five abstentions (Bauer, Marie-Alves, Morlock, Greive, and Worms); the motion carried.

**4. Regular Business**

- A. Expense approval – per diem. McLellan approved per diems – Lyndy will submit.

**5. Department/Legislative updates**

- A. Kate Perushek, Assistant Commissioner
- On behalf of Assistant Commissioner Perushek, Chair McLellan provided the department update, welcomed newly appointed members, and thanked them for serving.
  - The Commissioner and Assistant Commissioner had been at the Capitol negotiating with the Legislature on the Jobs/Labor Omnibus bill. Committee chairs and commissioners have until June 4 to finalize language per an agreement between House and Senate leadership and the Governor. It is expected the Governor will call a special session to pass the agreed upon bills in mid-June.
  - DLI has several provisions in the omnibus. One includes changes to the Construction Codes Advisory Council membership which would add energy and accessibility members. Also in play are agency proposals to raise the per-contractor cap for the Contractor Recovery Fund and increase the payouts to

twice a year. Another would continue fee reductions for CCLD licenses, plan reviews, and building permits. Another provision relates to commercial energy code improvements.

- The omnibus also included several bills related to Chapter 326B that may or may not be included, such as changing requirements for when sprinklers would be required in rural event venues, lowering continuing education hour requirements for certified building officials, altering frost footing depths for one and two-family dwellings in border cities, and exempting buildings under six stories with pitched roofs from window cleaning anchor requirements.
- Two other Omnibus bills also include CCLD provisions that are being negotiated: changing when window fall prevention devices are required in single family homes to conform to national model codes and allowing traditional tribal structures to be constructed without meeting Statewide Building Code requirements. A final provision that is part of negotiations is a proposal from Ecolab to allow unlicensed employees to conduct certain servicing and installation work for chemical dispensing systems and commercial dishwashing equipment.

**6. Division updates – Presentation available at:**

<http://www.dli.mn.gov/sites/default/files/pdf/ccac-presentation0521.pdf>

- A. Scott McLellan
- B. Code updates
  - a. NEC changes – Dean Hunter
  - b. Plumbing Code adoption – Mike Herman
- C. Statewide Outreach Campaign – Kelly Cooper
- D. Statewide Outreach Inspector Pilot Program – Charlie Durenberger
- E. Enforcement & Licensing update – Charlie Durenberger

*Stephen Ubl departed the meeting resulting in 15 voting members present.*

*Lori Bauer departed the meeting resulting in 14 voting members present.*

**7. New business – Handout available at:**

<https://www.dli.mn.gov/sites/default/files/pdf/ccac-border-city-codes0521.pdf>

- A. Border-city building codes – Don Dabbert, Jr.
  - Every \$1,000 increase in home construction prices 200 households out of the Fargo-Moorhead housing market (see p. 10, Fargo, ND-MN):  
<https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics-plus/special-studies/2021/special-study-nahb-priced-out-estimates-for-2021-february-2021.pdf>
  - Cost to comply with Minnesota 60” frost depth footing requirement vs. cost to comply with Fargo, ND 54” average of approximately \$2,500 to build the same home in Moorhead/Dilworth vs. Fargo.
  - Residential building permits issued relative to population: Moorhead, MN (population 38,500) has issued 19 YTD whereas Fargo, ND (population 122,000) has issued 78 and its adjacent neighbor Horace, ND (population 2,430) issued 55.

- B. Frost depth study TAG member approval – Scott McLellan  
**A motion was made by Paradise, seconded by Guth, to approve McLellan’s recommendation of TAG members for the Frost Depth TAG Group. The roll call vote was unanimous with 16 votes in favor and one abstention (McCarthy); the motion carried.**

*Dan McConnell departed the meeting resulting in 16 voting members present.*

- C. Floodproofing Code TAG member approval – Greg Metz  
**A motion was made by Hendricks, seconded by Marie-Alves, to approve McLellan’s recommendation of TAG members for the Floodproofing Code TAG Group. The roll call vote was unanimous with 16 votes in favor; the motion carried.**
- D. Commercial Energy Code TAG report – Greg Metz  
McLellan stated that the next step will be to send the written results of the TAG study to stakeholders and other interested persons for their review and input to the CCAC. Another CCAC meeting for members to review the results of this feedback is tentatively scheduled for July.

**8. Open Forum**

No Open Forum forms were received, and no attendees addressed the Council.

**9. Council member discussion**

No discussion.

**10. Announcements**

Chair McLellan said there may be a meeting scheduled in July.

*Laura McCarthy departed the meeting resulting in 13 voting members present.*

**11. Adjournment**

A motion was made by Gerhard, seconded by Greive, to adjourn the meeting at 12:03 p.m. The roll call vote was unanimous with 13 votes in favor; the motion carried.

Respectfully Submitted,

*Lyndy Logan*

Executive Secretary to the CCAC