

Meeting Minutes: Construction Codes Advisory Council

Date: January 20, 2022

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. Tom Jenson
8. Laura McCarthy
9. Dan McConnell
10. Scott McLellan – Chair
11. David Morlock
12. Mike Paradise
13. Mara Peterson
14. William Pim
15. John Smith
16. Reed Sprung
17. Stephen Ubl
18. Mark Worms

Members Absent

Ken Hinz
Shelonda Marie-Alves

Staff & Visitors

Roslyn Robertson – DLI Commissioner
Kate Perushek – DLI Asst. Commissioner
Jeff Lebowski – DLI
Brittany Wysokinski – DLI

Staff & Visitors

Lyndy Logan – DLI
Kelly Cooper – DLI
Charlie Durenberger – DLI
Rich Lockrem – DLI
Scott McKown – DLI
Eileen McNiff – DLI
Greg Metz – DLI
Chad Payment – DLI
Steve Shold – DLI
Amanda Spuckler – DLI
Suzanne Todnem – DLI
Carrie Wagner – DLI
Jessica Archer – Target
Zack Cairns – Cook Girard
Representative Bob Dettmer
Representative Steve Elkins
Nick Erickson – Housing First MN
Sheri Hansen – AIA MN
Danielle Hoffman - Summit
Irene Kao – League of MN Cities
Rebecca Olson – MNCEE
Ben Rabe – Fresh Energy
Mario Salute – Metro JATC
Matt Spellman – MN Realtor
Peter Stalland – Stalland Law Office
Charlie Vander Aarde – Metro Cities MN
James Williamette – City of St. Paul
Forrest Williams – MN DPS

1. Call to order

- A. Chair McLellan called the meeting to order at 9:37 a.m. Roll call was taken by Scott McKown, (alternate chair) and a quorum was established with 18 members present via WebEx; a quorum was maintained throughout the meeting.

- B. Announcements/Introductions – Chair McLellan
- **Remote meeting statement:** Thank you for joining this remote meeting via WebEx. As the council chair, I have determined today’s meeting is via the WebEx platform due to the COVID-19 pandemic. Per Minnesota Statutes, section 13D.021, of the Open Meeting Law, electronic meetings are acceptable when an in-person meeting is “not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.” It is not practical or prudent to hold an in-person meeting because, consistent with MDH guidance, the usual meeting place is not open to the public due to the COVID-19 pandemic.
 - Everyone present on this WebEx are able to hear all discussions and all votes will be taken by roll call.
 - All handouts discussed and WebEx instructions are posted on the Council’s website at: <https://www.dli.mn.gov/about-department/boards-and-councils/construction-codes-advisory-council>

2. **Approval of meeting agenda**

A motion was made by Brunner, second by Herman, 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 Herman, seconded by Hendricks, to approve the Sept. 23, 2021, meeting minutes as presented. The roll call vote was unanimous with 17 votes in favor and one abstention (Jenson); the motion carried.

4. **Regular Business**

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

5. **Department/Legislative updates**

- A. Roslyn Robertson, Commissioner
B. Kate Perushek, Assistant Commissioner

6. **Division updates**

- A. Scott McLellan
B. Licensing & Enforcement – Charlie Durenberger

7. **New Business – Votes required on items A, B, and C – see presentation**

- A. Rulemaking for new Floodproofing code – Scott McLellan
A motion was made by Grieve, seconded by Hendricks, to recommend adoption of a new Floodproofing Code. The roll call vote passed with 16 votes in favor and two abstentions (Jenson and McCarthy); the motion carried.
- B. [TAG report on Window Cleaning Equipment Anchors](#) – Greg Metz
Representative Dettmer addressed the Council and said he believes in the legislation he brought forward to the Technical Advisory Group (TAG). Lowering the cost of construction for contractors and developers would be a good thing for the department and Council to accomplish.

A motion was made by Pim, seconded by Grieve, to approve the Technical Advisory Group Report on Window Cleaning Equipment Anchors. The roll call vote passed with 16 votes in favor and two abstentions (Jenson and McCarthy); the motion carried.

- Representative Dettmer asked if the TAG/department wants the legislature to continue-on with this legislation and whether they will be given suggested language to bring forward in support of the recommendation.
- Chair McLellan said the TAG discussion resulted in identifying a number of ways to accomplish safe window cleaning without arbitrarily requiring permanent roof anchors – windows that can be flipped to clean, ladders, or lifts. The language suggested by the TAG should accomplish this purpose. Those most impacted believe the draft language would be a good solution. Chair McLellan said that the approved TAG Report on Window Cleaning Equipment Anchors will be completed and sent to DLI Commissioner Robertson. Commissioner Robertson will then forward to Representatives, Senators, and the Chairs of affected Committees.
- William Pim had questions for Chair McLellan regarding the degree of detail that would be included in the State Code. Chair McLellan responded that a TAG would discuss those details and present to CCAC for approval.

C. TAG report on Building Code Series 1 – Scott McKown

a. [Changes to the Municipal Report](#)

A motion was made by Paradise, seconded by Smith, to approve the Technical Advisory Group Report on Changes to the Municipal reporting form. The roll call vote was unanimous with 18 votes in favor; the motion carried.

Mark Brunner departed the meeting at 11 a.m. resulting in 17 members present.

b. [Adult-sized changing facilities](#)

A motion was made by Sprung, seconded by Guth, to approve the Technical Advisory Group Report on Adult-sized Changing Facilities. The roll call vote was unanimous with 17 votes in favor; the motion carried.

c. [Codes adopted by law; Return on investment on residential energy code](#)

A motion was made by Smith, seconded by Grieve, to approve the Technical Advisory Group Report on Codes adopted by law; Return on investment on residential energy code. The roll call vote was unanimous with 17 votes in favor; the motion carried.

d. [Residential building permit fees](#)

A motion was made by Grieve, seconded by Hendricks, to approve the Technical Advisory Group Report on Residential Building Permit Fees. The roll call vote was unanimous with 17 votes in favor; the motion carried.

- Representative Elkins commended the TAG for their work, especially Brian Hoffman who represented building inspection officials. There was potential concern for cities to inflate valuations in order to collect more permit fees. He will be pursuing legislation as recommended by the TAG. The broader concern is that the state's property tax structure provides a fiscal incentive for cities to over-zone for large, expensive executive homes.

Dan McConnell departed the meeting at 11:32 a.m., resulting in 16 members present.

- D. [New Fact Sheets](#) – Scott McLellan
 - a. Frost Protected Foundations
 - b. Places of Public Accommodation
 - c. Construction Codes Advisory Council
- E. [Member recognition](#) – Scott McLellan

8. Open Forum

Charlie Vander Aarde, Metro Cities Minnesota, thanked the department for including city voices on the Technical Advisory Group’s legislative proposals. Vander Aarde thanked the Residential Building Permit Fee TAG for acknowledging cities’ concerns and including the revised language recommendations in slides [49 through 51](#).

9. Council member discussion

Chair McLellan said a letter was received from David Siegal, Executive Director of Housing First Minnesota *“recognizing and thanking the Minnesota Department of Labor and Industry and its Construction Codes Advisory Council for the innovative approach taken with the technical review of legislation in advance of the 2022 Legislative Session... This was a helpful approach to address the topic of reducing barriers to the production of new, affordable starter homes, which our state desperately needs.”*

10. Announcements

Tentative meeting scheduled for Feb. 17, 2022, at 9:30 a.m.

Duane Hendricks departed the meeting at 11:32 a.m., resulting in 15 members present.

Dan McConnell departed the meeting at 11:36 a.m., resulting in 14 members present.

11. Adjournment

A motion was made by Guth, seconded by Grieve, to adjourn the meeting at 11:40 a.m. The roll call vote was unanimous with 14 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.