

## Meeting Minutes: Construction Codes Advisory Council

Date: July 30, 2024

Time: 9:30 a.m.

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

### **Members**

1. Karl Abrahamson
2. Scott Anderson
3. Lori Bauer (WebEx)
4. Mark Brunner
5. Chris Ferguson (WebEx)
6. Ken Green
7. Barry Greive (WebEx)
8. Duane Hendricks (WebEx)
9. Tom Jenson (WebEx)
10. David Kegler
11. Russ Landry (WebEx)
12. Shelonda Marie-Alves
13. Greg Metz – Chair
14. Dan McConnell (WebEx)
15. Mike Paradise
16. Mara Peterson
17. William Pim (WebEx)
18. Reed Sprung
19. Steve Ubl
20. Mark Worms

### **Members Absent**

Arne Grant (alternate attended)

### **Staff & Visitors**

Kate Perushek – Deputy Commissioner  
Jeff Lebowski – Atty for CCAC, DLI  
Lyndy Logan – DLI  
Daniel Becker – DLI (WebEx)  
Krystle Conley – DLI

### **Staff & Visitors continued...**

Todd Green – DLI  
Alexis Johnson – DLI  
Tim Manz – DLI  
Josiah Moore – DLI  
Pat Munkel-Olson – DLI  
Chad Payment – DLI (WebEx)  
Matt Peterson – DLI (WebEx)  
Ryan Rehn – DLI  
Bill Reinke – DLI  
Chris Rosival – DLI (WebEx)  
Steve Shold – DLI (WebEx)  
Don Sivigny – DLI  
Mark Sneep – DLI (WebEx)  
Jim Weaver – DLI (WebEx)  
Mary Barnett – UrbanWorks Architecture  
Sam Caven – Dabbert Homes  
Nick Erickson – Housing First MN  
Larry Farris – BKV Group  
Eric Fowler – Fresh Energy (WebEx)  
Ken Green – MMY Engineers  
Gerhard Guth – AIA retired  
Richard Hauße – ICC (WebEx)  
Grace Keliher – BAMN (WebEx)  
Brandon Leipzig – IUEC Local 9  
Jeff Mang – Mang Consulting (WebEx)  
Angela Peterson – CEE  
Mario Salute – City of St. Paul (WebEx)  
Adam Smith – Viega (WebEx)  
Gary Thaden – MMCA  
Jason Vandever – NAIMA (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 19 members present – Russ Landry joined the meeting at 10 a.m. resulting in 20 members present in person or via WebEx. A quorum was maintained throughout the meeting.
- C. Announcements/Introductions – Chair Metz
  - Gerhard Guth has resigned as the CCAC's Licensed Architect representative.
  - Scott Anderson is delegated as the new Licensed Architect representative.
  - 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 Peterson, seconded by Brunner, to approve the agenda as presented. The roll call vote was unanimous with 19 votes in favor; the motion carried.

## 3. **Approval of previous minutes**

A motion was made by Peterson, seconded by Sprung, to approve the Feb. 28, 2024, meeting minutes with the following revision under Staff & Visitors: Rep. Larry Kraft – MN House of Representatives (WebEx). The roll call vote was unanimous with 19 votes in favor; the motion carried.

## 4. **Regular business**

Expenses were approved.

## 5. **Department update**

Deputy Commissioner Perushek summarized new laws and legislation impacting the Department.

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

A. Division update – Todd Green

B. BOT Grants Program update – Greg Metz

C. DLI Rulemaking Window Cleaning Safety Final Recommendations – Greg Metz

- Metz said that rule draft 4876 was reviewed and approved at the CCAC meeting on Feb. 29, 2024. Since then, there has been one non-material change on Line 2.9 to clarify these shall be placed in single user toilet rooms that include one water closet and one lavatory. This is information only; no action is required.
- Metz said modifications consist of the following (slide 12):
  - Buildings six stories and taller with sloped roofs must have anchors installed for suspended cleaning
  - All other buildings four stories and taller must have anchors installed for suspended cleaning.
- Metz said that the Window Cleaning Union's preferred method for buildings four stories and taller is to use suspended methods. However, they acknowledge that buildings with sloped roofs present unique cleaning challenges, so they agreed to extend an exception up to six stories, allowing those windows to be cleaned from the ground. This is the origin of the rule. Larry Ferris submitted an open forum request to talk specifically about this issue but he first opened the discussion to council members.
- Metz added that not all TAG members agreed with the language changes; however, the majority agreed. He opened discussion to the CCAC members with the understanding that he still believes having this in rule is much more appropriate than having it in statute.
- Sprung asked, of the members that didn't agree, what were their main concerns?
- Metz mentioned that this language pertains to worker safety and falls under OSHA criteria, making it inappropriate for the Building Code. However, due to legislative requirements, it must be included in the Building Code. Additionally, it prescriptively mandates window cleaning methods, which the National Window Cleaning Safety Standard does not specify to this degree.
- Greive asked what constitutes a sloped roof, is there a definition?
- Metz said it's written in the exception on page two, line 2.6. The roof slope is four units vertical and 12 units horizontal or greater.
- Anderson pointed out that when discussing window cleaning safety, two provisions are contradictory: one allows cleaning with a mobile scaffold up to 60 feet, while the other limits it to 38 feet. This contradiction is problematic because safety standards should be consistent, regardless of whether the roof is sloped or flat. The issue at hand is safety. He raised questions

about the definition of a sloped roof and its dimensions, such as a mansard roof that's two feet wide and one foot high—does that qualify as a roof? Or must it encompass the whole roof or just a portion? He suspects designers might try to exploit this by adding a small roof above the window to avoid the cost of installing anchors. Therefore, he believes they should question how easily this can be enforced or applied.

*Russ Landry joined the meeting at 10 a.m. resulting in 20 members present in person or via WebEx.*

- Chair Metz asked if anyone else sees an issue with their interpretation of what constitutes a roof when discussing a sloped roof with a 4 in 12 pitch, or more.
- Pim acknowledged the confusion, noting that someone could potentially attach a small roof to the side of a building and claim it qualifies as a sloped roof, thereby avoiding the need for anchors on a five-story building. He concurred with the previous comment that if a four-story building requires anchors, then a four-story building with a sloped roof should likely require them too. He suggested that simply stating all buildings four stories and higher need anchors would eliminate the distinction between sloped and non-sloped roofs.
- Chair Metz said there are two issues – the first one is defining what a sloped roof is. Should they include language that says, sloped roof from eave to peak or from eave to ridge? As a recommending body, the rule can be modified from what the TAG proposed.
- Anderson expressed that the current approach is unhelpful because every roof has a ridge, regardless of its extent. He raised questions about the extent of the roof: is it the entire roof of the building or just a portion? If a building has both sloped and flat roofs, what is considered directly below? How far over do you have to reach to classify it? He proposed eliminating the distinction and clarified that we're discussing feet above the associated work surface, not stories. Although the intention might be to refer to stories, the text specifies otherwise. Therefore, he recommends changing the language to "60 feet or less" as that has been agreed upon as a safe height. If this is the maximum safe height, let's provide the maximum ability to use it rather than limiting it to a lower height.
- Pim suggested that if we're going to make changes, we should address the top of window height since the building's total height is irrelevant. The primary concern is the height of the tallest window.
- Chair Metz clarified that the language already specifies the height of the window glazing, which must be 60 feet or less above the associated work surface. This discussion is about glazing height, not building height. Pim acknowledged that the slide did not highlight this detail.
- Chair Metz said regarding Window Cleaning Unions, he believes the issue with sloped roofs has everything to do with being able to tie off on the roof versus having to go into an attic space for access. They very clearly expressed a preference for suspended window cleaning for glazing up to 38 feet typically, and they're willing to concede up to 60 feet. He understands the inconsistency.
- Kegler mentioned that he previously had concerns about the language but noted that they added sufficient language to give designers some flexibility to either provide window cleaning anchors or verify there's a procedure in place that includes them. He acknowledged that window cleaners have expressed a preference for their method of cleaning. While this addition will likely add a few more pages to the Building Code, he believes it is an improvement over the previous version.
- Larry Farris from BKV Group mentioned that his firm designs buildings across the country and currently has projects in forty-two states. He was an original TAG member on this issue 18 months to 2 years ago, during which they provided the DLI commissioner with a recommendation based on the National Standard. They didn't receive a response until the TAG was asked to reconvene last summer. When the TAG reconvened, it was composed mostly of local union members, none of the original TAG members. Farris emphasized that this is a union-driven issue, noting that no other state has these rules. He highlighted that the primary speaker

at the TAG meeting is the largest manufacturer of roof anchors in Minnesota, indicating a potential conflict of interest. He questioned the integrity of the process due to the lack of information provided. Given the strong union representation at the meeting, he requested Metz to issue a hold, allowing developers who bear the costs of window cleaning to provide their input. He argued that four-story buildings, as well as five and six-story buildings, typically use lifts instead of suspended roof anchors. At the TAG meeting, he presented documentation from non-union window washers using elevated poles to clean windows up to 80 feet but this was dismissed. Farris urged the CCAC to examine the issue before voting, highlighting that this rule adds an unnecessary cost to construction in Minnesota, not found elsewhere. He pointed out that OSHA already regulates worker safety and questioned where additional regulations would stop—whether they would extend to re-roofing, re-siding, or re-caulking. He emphasized that the focus began with window washers, but it could expand if unchecked.

- McConnell pointed out that OSHA standards were largely driven by unions, which were formed to address safety concerns on construction sites where workers were getting killed. He believes that when workers raise safety concerns, they should be taken seriously. In the five-story building where he works, windows are cleaned annually using suspended methods rather than lifts. He thinks it's reasonable to require solid anchors, not just for window washers but also for his members who occasionally use them for building maintenance. Ensuring their safety is a priority for him.
- Anderson acknowledged the desire to use anchors for four-story buildings, but he believes that when reviewing code changes, they should aim to minimize additional costs to the building. Given that 60 feet is considered a safe height for window cleaning using a lift, he thinks this should be the least restrictive requirement included in the code.
- Sprung suggested that window washers could specify in their bids whether they will use a suspended method or a lift. If a suspended method is chosen, the building must have the necessary anchors. He asked if this approach would resolve the issue.
- Chair Metz explained that the purpose of the building code differs from OSHA's role in determining how workers should clean a building safely. The building code focuses on the necessary features required for the building itself. For instance, the decision to require anchors on four-story buildings with flat roofs is about whether the building should have those features, irrespective of whether window cleaners choose to use them. Metz emphasized that the building code's responsibility is to mandate the installation of anchors, not to dictate their use. He then asked if anyone had revised language to propose; hearing none, he called for a motion to approve the TAG's recommendations to the commissioner to move forward with rulemaking.

**A motion was made by Kegler, seconded by McConnell, to proceed with rulemaking as written in RD 4876, dated June 27, 2024. The majority vote ruled with 13 in favor of the motion, 4 against (Anderson, Grieve, Ubl, Worms), and 3 abstentions (Brunner, Jenson, Marie-Alves); the motion passed.**

D. [Highlights and updates from the 2024 Code Cycle Technical Advisory Groups](#)

- a. MN Rules Chapters 1300, 1301, 1302, and 1303 Administration, BO Certification, SBC Approvals, Special Provisions
- b. MN Rules Chapter 1305 (Commercial) Building Code
- c. MN Rules Chapter 1307 Elevators
- d. MN Rules Chapter 1309 Residential Building Code
- e. MN Rules Chapter 1309 Residential Building Code- Mechanical Provisions
- f. MN Rules Chapter 1311 Conservation Code for Existing Buildings
- g. MN Rules Chapter 1323 Commercial Energy Code (ASHRAE 90.1-2022)
- h. MN Rules Chapter 1341 Accessibility Code
- i. MN Rules Chapter 1346 Mechanical & Fuel Gas Code
- j. Structural Provisions

## 7. Regular business – Greg Metz, Chair

### A. [Code update](#)

- a. Legislative acceleration of residential energy code adoption to a three-year cycle with a 70% efficiency improvement by 2038  
**A motion was made by Peterson, seconded by Landry, to continue the scope of the current Residential Energy Code Technical Advisory Group to include the 2024 IECC Residential chapters as found in Chapter 11 of the 2024 IRC and consider strengthening amendments to advance toward the legislative goal established in May 2024. The roll call was unanimous with 20 in favor of the motion; the motion passed.**

## 8. New Business – Greg Metz, Chair

- A. Formation of a TAG to coordinate between Minnesota Rules 1305, 1311, and 7511; the building codes and fire code.

Name	Role	Organization
Ryan Rehn	TAG Lead	MN DLI/CCLD
Britt McAdamis	TAG Co-lead	MN DLI/CCLD
Forrest Williams	DPS Rule writer	MN DPS/SFMD
Jerry Norman	Municipal Building Official	City of Rochester
Scott Oswald	Assistant Fire Chief	City of Inver Grove Heights
Vincent DiGiorno	Professional Architect	KOMA Architects/Engineers
Jim Williamette	Plan Review Supervisor	City of St. Paul
Steve Ubl	Municipal Building Official	City of St. Paul

**A motion was made by Paradise, seconded by Peterson, to approve the Fire Code Coordination Technical Advisory Group as shown above. The roll call was unanimous with 20 in favor of the motion; the motion passed.**

- B. Formation of a TAG to facilitate a legislatively mandated study for apartment buildings up to 75 feet in height with a single exit stairway. At the meeting, as shown below, Mary Barnett and Shelonda Marie-Alves were added to the TAG.

Name	Role	Organization
Greg Metz	Building Codes Coordinator	MN DLI/CCLD
Amanda Swenson	Chief Deputy State Fire Marshal	Fire Marshal's Association of Minnesota
Patrick Farrens	Fire Chief/ Tactical Analysis	Minnesota Fire Chief's Association
Adam Casillas	Professional Firefighter	MN Professional Fire Fighter's Assoc.
Melisa Rodriguez	Fire Protection Engineer	Governor's Council on Fire Prevention
Tom Brace	Fire sprinkler system expert	National Fire Sprinkler Association
Jim Fisher	Fire Prevention Advocate	Governor's Council on Fire Prevention
Jim Williamette	Large Municipality BO	Assoc. of MN Building Officials, St. Paul
Jerry Norman	Large Municipality BO	City of Rochester
Nick Erickson	Housing Development Advocate	Housing First Minnesota
David Selinsky	Licensed Professional Architect	MN Chapter of the AIA
Stephen Smith	Single-exit stairways advocate	Center for Building in North America
Shelonda Marie-Alves	Local Governments Rep	MN Construction Codes Advisory Council
Mary Barnett	Multi-family Housing Architect	MN Construction Codes Advisory Council

**A motion was made by Peterson, seconded by Sprung, to approve the Technical Advisory Group as shown above. The roll call vote was unanimous with 20 votes in favor; the motion carried.**

## 9. Open Forum

Larry Farris, BKV Group, addressed the board during the window cleaning safety portion of the meeting.

**10. Council member discussion**

None

**11. Announcements**

The CCAC meets 1-4 times per year. Meeting notifications are sent one week prior. Please contact [Lyndy.Logan@state.mn.us](mailto:Lyndy.Logan@state.mn.us) if you would like to be added to these notifications.

**12. Adjournment**

A motion was made by Peterson, seconded by Sprung, to adjourn the meeting at 11:00 a.m. The roll call vote was unanimous with 20 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.