



Present Fire Board of Appeals Board Members (4):

David Hewett, Chair
Mike Riggs, Vice Chair
Ron Honn
Vince Colarelli
Kyler Bush

Industry Represented:

Small Business
Architecture
Citizen At-Large
Building
Large Business

Not Present (1):

Jannic Ekornes

Industry Represented:

Fire Suppression

Vacant Position (1):

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Industry Represented:

Insurance

Present Fire Board of Appeals Secretary

Kris Cooper, Deputy Fire Marshal

Representing:

Colorado Springs Fire Department

Additional Attendee(s):

Mellisa Wutzke, Administrative Assistant Senior
Desirae Tucker, Administrative Assistant, Senior
Chip Taylor, Senior Fire Protection Engineer
John Funk, Regional Manager
Carlee Carson, Homeowner

Representing:

Colorado Springs Fire Department
Colorado Springs Fire Department
Colorado Springs Fire Department
MOSAIC Outdoor Living
4311 Ridgecrest Dr

CALL TO ORDER

1. **Board Chair Hewett called the meeting to order at 8:30 A.M. and promptly conducted a roll call.**

ADMINISTRATIVE

1. **Approval of Meeting Minutes**

**Board Member Colarelli motioned to approve the meeting minutes.
Board Member Honn seconded the motion.
The motion passed unanimously.**

2. **Contractor Licensing**

A. Fire Alarm Contractor A

- i. **Business Name:** ETG Fire, LLC
Applicant: Derek Malonson
RME: Derek Malonson

Deputy Fire Marshal Cooper stated applicant meets the requirements and recommended approval.

**Board Member Colarelli motioned to approve the application.
Vice Chair Riggs seconded the motion.
The motion passed unanimously.**

3. Appeal

A. Request by John Funk, Regional Manager of MOSAIC Outdoor Living on behalf of homeowner, Carlee Carson, requests relief from Colorado Springs City Ordinance 23-4, Fire Prevention Code and Standards Appendix K, Section K105.1 section 8 Structure Hardening at 4311 Ridgecrest Drive, Colorado Springs, CO, 80918.

Chair Hewett provided a description of the appeals process.

Deputy Fire Marshal Cooper provided a description of the appeal concerning outdoor hardscaping that included deck work and pergola. Through the review process it was identified that it did not meet Appendix K of the adopted fire code for the hardening structure of the deck and surface. There was discussion between the employees of Fire Construction Services (FCS) and Mr. Funk. It was decided to have this item come before the Fire Board of Appeals.

John Funk, Regional Manager of MOSAIC Outdoor Living, provided a description and documentation on why the board should provide a variance. The heart of the appeal is to interpret the code in a manner that preserves the safety intent and balancing the historical significance of the home. The homeowner, Carlee Carson has a home designed by architect Elizabeth Ingram-Wright, Frank Lloyd Wright's granddaughter. It is a historical home that they want to improve the current cedar deck with current technology that would allow it to be as fireproof as possible. He referenced the Flame Stop® II product data sheet (page 32 in the packet). This product has been tested as a Class A fire material. He believes this will better the fire hazard of the current structure as it is structurally not sound and in the event of a fire it will be better for the firefighters that would be fighting on the deck.

Board Member Colarelli stated he appreciates the research in evaluating the alternative. He asked Mr. Funk to address the concerns that the (Colorado Springs Fire Department) staff has concerning the alternative means and methods.

Mr. Funk asked him to name the first concern.

Board Member Colarelli stated the first concern is the application that is proposed for the treatment of new decking requires re-application every five years. The second concern is the testing for this material was specific to a configuration/orientation for material that is not that which will be installed.

Mr. Funk stated that the homeowner, Ms. Carson is amenable to signing something or committing to staining it and keeping it properly maintained. Currently, all the neighbors except for one, have wood decks that are structurally fading and do not have any material on them. The homeowner is open to the idea of committing to the city to maintain the deck with the Flame Stop® product. The other feedback he received from the fire department was the vertical application versus the horizontal application. He consulted their engineer, and the engineer does not see an issue

with that and is willing to put his name and stamp behind the product providing that flame retardancy.

Board Member Colarelli asked if there has been communication with the manufacturer specific to that issue.

Mr. Funk replied there has not.

Vice Chair Riggs asked if this is a deck board replacement or is there structure being replaced as well.

Mr. Funk said he is replacing the whole structure. It will have the same footprint.

Board Member Colarelli stated except it includes a pergola that does not exist today.

Mr. Funk replied affirmatively.

Board Member Colarelli asked if there is any treatment being proposed for the structural members of the deck assembly both vertical and horizontal.

Mr. Funk replied that is an inconsistency that he sees in the code. The code is written very simply. When fire code K105.1 section 8 was adopted, it had one sentence saying no wood decking. There is no code or restriction on the wood framing or the wood pergola. That is why he thinks it is reasonable to ask to take more precautions than what the code is requiring to preserve the framing, the decking and the pergola.

Vice Chair Riggs asked DFM Cooper to share his perspective on the intent of horizontal decking restrictions versus structure.

DFM Cooper stated for clarification the code K105.1 bullet 8 reads:

“Decks and other habitable exterior spaces shall be constructed of ignition-resistant or non-combustible decking materials such as composite or metal decking. Wood is not permitted to be used for the decking surface but can be used for all structural components and railings. Exposed wood or heavy timber or dimensional log construction is allowed to be used for vertical support posts for covered decks and patios.”

The intent, in the Colorado Springs Fire Department’s (CSDF) experience, is the horizontal surfaces are surfaces where embers can collect during a fire storm. Based on the experience from the Waldo Canyon Fire, the decking surfaces were where large embers would collect and burn and propagate the ignition of the home. The structural and vertical members are not as susceptible to the collection of those embers. The intent was to protect the horizontal surface where the combustible embers could land and propagate. That was the basis of the code and how it was written.

Mr. Funk stated he wanted to address the horizontal surface of the decking and referenced the article that was provided (pages 42-61 of the packet) that addresses concerns of composite material that are covered with a plastic coating. When the embers collect on a composite fire resistant material, this causes a hazard for the first responders as it is going to melt instead of burn, and it gets hotter and releases toxins in the air.

Vice Chair Riggs asked DFM Cooper to define ignition resistance.

DFM Cooper replied that it is true that the composite decking may melt but does not sustain combustion. That was the intent. Wood decking over time degrades and gets dry and is much more susceptible to ignite and sustain combustion. Composite decks tend to melt, and holes melt in them, but they do not sustain combustion readily. As far as the structural integrity, the firefighters will take appropriate measures and if there is any consideration of the structural integrity of the deck, the firefighters will not put themselves in that position.

Vice Chair Riggs asked if a coating makes something ignition resistant.

DFM Cooper replied there are products that can improve the resistivity of the combustion of normally combustible materials. The product that has been proposed here treats that and is wood topical and changes the fire resistive properties of the raw material. However, it has to be maintained. There are a lot of variables how the product is maintained and applied. The unknowns that are not taken into account when products are tested in a controlled environment is the UV impact on those products at this elevation. What impact does our normally dry and low relative humidity of our community have on those products? Those are things that cannot be replicated in a testing environment. Those variables concern the CSFD. The second piece to this is the re-application or maintenance of the product. The CSFD does not have a method in place to follow up every five years. What would a method look like? Would the CSFD require a permit to be issued to the home and follow up every five years? How are we sure the product is applied per the manufacturer's specifications? These are variables the CSFD is not comfortable with and are difficult to control.

Board Member Colarelli asked if there is any topical product that the CSFD is comfortable with.

DFM Cooper replied the CSFD does not endorse any product. To his knowledge, there is not a product that the CSFD has allowed to be used in lieu of a non-combustible product. There have been several appeals come before the board and to his recollection, they have all been declined. The CSFD has seen topical treatments inside building that are bit more controllable, but this is on a limited basis.

Mr. Funk stated that DFM Cooper is questioning the integrity of the product. The manufacturer of the product as well as their (MOSAIC's) engineer both attest to its ability to stand up in the outdoors, just like the manufacturers of other deck boards, Envision, Fiberon® or Trex®, stand by their products to hold up in the exterior. Any fire retardancy in those materials as promised by the manufacturer, should be given the same weight as the promises of this(Flame Stop® II) product. As DFM Cooper stated, the composite deck boards may fail because the UV rays cause the plastic to fade and deteriorate over time and the harsh weather we get in the mountains, as a contractor, he sees those deck boards fail as well. There is a certain amount of impossibility to ensure that everything in our city doesn't burn like we wish we could.

Ms. Carson provided two additional documents to the board (all supplemental documents follow these minutes). She referenced 7655 Pinery Circle in Black Forest (picture with car) where she lived in the past and it had a composite deck. She has a long history with fire. She assessed her ability to evacuate in case of a

fire. She had a long list of things to come up with when she decided to find a house. The property she purchased, the one thing it did not have, was that it is in a red zone. This house was built in 1968 with cedar siding and a cedar deck with the highest standards and materials. She had to do some improvements that included a new roof and mitigation and ensure she had a proper barrier around the property to include sprinklers and a greenbelt. Her neighbors on both sides of her are unmitigated and overgrown with juniper and scrub. Those are fuels that are almost impossible to get out without a great deal of effort by the fire department. She had a specialized metal roof put on that was over \$120,000. She did this because she is in a red zone and wants to do everything in her control to ensure its viability should something happen. She also put in lightning suppression system due to the amount of lightning strikes in the area. The upper deck was part of a remodel in 1985. Sub-quality materials were used unlike the deck that was still existing on the lower part. She instructed her contractor to keep as much of the cedar as possible. She installed a second egress by adding stairs. She plans to install a sprinkler system along the perimeter as well as directing it towards the house. She chose the materials for the property being unaware of the new code requiring metal or composite decking. This is a Dorothy Strauss house that had a huge bow deck on the front which is not there (now). Redwood and cedar consistently test as a high class material to use in an urban interface area and adding the Fire Stop® and flame resistant coatings are important and do work. Concerning the vertical versus horizontal conversation, all the composite decks she looked at had pressure treated wood supports. If there are pine needles or refuse under a composite deck, a fire will eat the support pole. For the metal deck option that was given, the house is south and east facing with over 2,000 feet of decking. She will not be able to use the deck because of the heat generated. The metal will offset heat over the course of the day, composite material will remain at unbearable temperatures for hours after sunset. That leaves her with an ipe or redwood/cedar combination in order to make the house as safe from fire as possible. Ipe is full of silica and when it burns or when it gets hot, it releases toxins. Her research of tests on redwood/cedar versus composite showed because they have wood cores and wood fill, they may take longer to ignite, but they do ignite and melt if the temperature gets hot enough. This was seen in Waldo Canyon too. She is doing everything in her power with the correct materials to not only ensure the fire department's safety, but water going down the hill from her property will carry that toxicity. Concerning the issue of lack of manpower to check every five years, she suggests putting a form online. She is not spending \$250,000 on this deck to not ensure that she will have it painted every five years. There are many advertisements of wood decks in El Paso County, are these companies aware of this code to use metal or composite? In fifty seven pages of approvals of which 85% were decks, every single one of them, by virtue of how the code is written, is insufficient because they do not have metal framing. If they did, it would be a boom in trying to fight a fire because nothing is running up the pole or the side. If she has to do it from an architectural standpoint, she will have to remove the decks completely because they will not be useable as intended because they will be too slippery or too hot. In her experience, redwood or cedar hold the same value and almost every fire department in a wildland urban interface has approved them. It doesn't matter if the fire burns that hot, it is going to go. She is trying to preserve the integrity of the property, improve its safety using materials that have been proven, and she will hold responsibility for that. She cannot control her neighbors, all she can do is make sure her (property) is ok.

Chair Hewett asked if there were any questions.

Board Member Bush stated the Fire Stop® II spray that is proposed does not specify the type of wood that it works well or does not work well with. Does the appellant have any comments on this? Also, is the wood being proposed to build the deck treated? Is any wood being considered to remain, if so, is it treated?

Mr. Funk replied that redwood and cedar are listed online as types of wood this product can be used on.

Ms. Carson stated there are different types of wood that they do use. There are videos that they (the manufacturer) have released showing the various woods including redwood and cedar.

Mr. Funk stated the resin and the sap in the cedar and redwood is what gives it a natural fire retardancy and they are adding this product on top of that. Standard practice in the deck world is the wood underneath is pressure treated, which is a water deterrent and they(MOSAIC) use kiln dried after treatment lumber to make it not move. This is a better technique in deck building to have a straight deck as possible. The decking is never treated, but it is made out of cedar and redwood, but the supporting materials are treated. They are open to applying the Flame Stop® II to the structure as well. The composite deck boards have a wood pulp at the core and covered with a very thin plastic covering, which these two materials make it composite. Underneath the deck board on every composite, it is not covered in plastic on all four sides. If a fire is underneath the surface from the ground up, it will be exposed to pure wood. In this case, the wood will be treated.

Board Member Colarelli asked Mr. Funk if he was the person to commission the letter from Geoquest.

Mr. Funk replied that his team did.

Board Member Colarelli asked if he has reviewed the letter thoroughly.

Mr. Funk replied he has read it several times.

Board Member Colarelli asked if he knows what research or testing that the author of the letter provided in prior to writing the letter.

Mr. Funk stated he supplied the engineer and the MOSAIC team with the specifications and the testing, it is a Class 1, Fire Rated testing document that was also supplied to the board.

Board Member Colarelli confirmed it is the same document that is in the packet.

Mr. Funk confirmed this.

Board Member Colarelli states the author of the letter cites the IBC 2303 and says this application applies to that section. The section speaks specifically to a pressure applied process during manufacturing, not a field applied with a brush or roller. Does Mr. Funk think that would be material in one's consideration of the application of this and its compliance with requirements of section 2303.2

Mr. Funk asked for clarification.

Board Member Colarelli replied that the reference talks about fire protection applications and describe it as a pressure applied application doing manufacture not a field applied application.

Mr. Funk replied that the wood cannot be manufactured, it is grown. He asked for clarification.

Board Member Colarelli states in section 2303 of the IBC a process for applying a fire protection coating.

Ms. Carson inquired if he is referencing using a hand roller or a spray.

Board Member Colarelli replied no, that is not what the language says in IBC 2303.2

Ms. Carson stated she is pulling that up now.

Board Member Colarelli asked the CSFD staff that the author of the letter concludes that an application, per section 2303.2 of the IBC, would thereby make that material compliant under the wildland urban interface code as written for the City of Colorado Springs. Is that in fact the case?

DFM Cooper replied that the IBC is not applicable in this environment, it would be the IRC (International Residential Code) that would be applicable. The city code is written independent of the international codes. The amendments to the code and any reference to the IBC as written would not override our local amendment in the code.

Board Member Colarelli asked if it was fair to say that this author has concluded that this material complies with section 2303.2 of the IBC, he cannot conclude that it meets the wildland urban interface requirements for the City of Colorado Springs.

DFM Cooper stated that is correct.

Mr. Funk stated he pulled up the section 2303.2 section 1 and read the following:

“For wood products impregnated with chemicals by a pressure process, the process shall be performed in closed vessels under pressures not less than 50 pounds per square inch”

This was what Ms. Carson was referring to using a pressure paint gun and you can control the pressure to impregnate the wood fibers with the chemicals being applied. He further clarified that Mr. Colarelli believes the IBC is not in question as they were denied under the International Fire Code. Mr. Funk does not believe the International Fire Code has any recommendation on how impregnated the wood needs to be. If they are following this process that should be more than what is required in the IFC.

Board Member Colarelli replied he understands Mr. Funk’s position.

Chair Hewett stated he will allow a couple of minutes for everyone to think about additional comments or questions and proceed with the appeals process.

Ms. Carson stated it does not matter the type of material that is being used. Good stewardship of our homes includes making sure things are clean. Buildup in

between the boards can create substantial issues during a fire. She has had experience with this build up and that influenced her on her decision for choosing the type of material.

Mr. Funk provided the board and the fire marshal with a testimony to Ms. Carson's character. She is an involved citizen and invests a lot in maintaining her home. She is worthy of the exception to the rule and will stand by her word that this investment will not go to waste in a fire, and no one will be injured extensively because of her decisions to not maintain this product at the required specifications. Ms. Carson has done extensive research of this home that was recognized locally by the Gazette as the architect for this home was Frank Lloyd Wright's granddaughter, Elizabeth. He referenced the article that is written about a different home that has the exact same architecture as this home (at 4311 Ridgecrest Dr). He quoted an excerpt from the article (page 83 in packet):

"They don't make things like they used to"

The article goes on about the deck. Mr. Funk also quoted the following excerpt:

"The seller cites the 1,000-square foot cedar deck as one of the most enjoyable aspects of the home. It spans the width of the rear of the home and is accessible from three doors line in a row in the family room, and from the kitchen.

It is absolutely wonderful to come out here and enjoy any kind of Colorado weather," the seller says.

Oversized and overhanging eaves, typical of Prairie-style homes, protect loungers from rain or other elements. Recessed lighting and outdoor speakers enable nighttime entertaining".

Mr. Funk continues that the article continues to go into detail about this home, but specifically cites the deck and has pictures of it as a key component to what makes it enjoyable and true to the design of Ms. Lloyd Wright. The house that Ms. Carson owns is the exact same style and floor plan as this house (referenced in the article).

Vice Chair Riggs asked if the house is on the historic register.

Ms. Carson responded that it will be as soon as she finishes it. She is doing the house as a historical restoration versus a remodel or refurbishment. Another unique aspect to the property is that it has a stilted room that is enclosed in glass very indicative of her (Elizabeth Wright Ingraham) style.

Vice Chair Riggs asked if a historical assessment has been performed on the property for historic value or things that would contribute to the historic nature.

Ms. Carson stated the initial process has begun. It is not an easy process.

Vice Chair Riggs understands and there are certain restrictions made on how you replace certain things. Once it is on a register, there are certain things you are restricted on being able to do.

Ms. Carson agreed. She stated another unique thing is it has a western Asian influence by using the wood on its side. Which gives it less surface area.

DFM Cooper commended Ms. Carson for the work she has done on the home to make it safer for her and her community. Per the CSFD wildfire risk map, this property is listed as high. She has done some good things with the roof material and siding material. There are attributes that she cannot do anything about like the slope and topography and aspect of the home. There is some mitigation work that would improve the risk slightly. When the CSFD wrote the code, it was intended as a package deal. It is not one piece or another that makes the home safe, it is the totality of all the efforts that are put into it. Speaking to the deck and decking surface, the decking surface has to be ignition resistant, non-combustible material. The structural supports and framing could be wood. The intent of that, as the CSFD design manual speaks to, the maintenance aspects of keeping it clean and not storing combustibles under the deck. All those things reduce the likelihood of ignition of the deck structure itself. The deck surface, the intent is to protect it against embers and combustion during a wind driven fire. The IBC reference concerning pressure treated, that is actually treated in a pressurized vessel, and it speaks to surface treatment of that, it does not comply with the code in terms of pressure treating, that is a different aspect. Overall, the CSFD stands behind Appendix K as written, not one of these single elements are going to make or break the home if there is a fire. All the components should be in place to make it a safer environment and provide that home greater protection. This is not 100% guarantee this home won't burn. When we wrote the code with the input of homeowners, architects, builders and roofers, our intent was a reasonable approach to improve the safety of our community. We cannot write a code that would be digestible within our community and pass the test of community efforts that would be completely to safeguard the home. It is not practical. The code that is written is a reasonable application but only works when all elements are there and work as a package deal.

Chair Hewett thanked everyone and asked if there are any more questions. He explained the voting process on the motion. He asked for a motion.

Board Member Colarelli motioned to deny the request for variance from Colorado Springs City Ordinance 23-4, Fire Prevention Code and Standards Appendix K, Fuels Management Requirements, Section K105.1 section 8 at 4311 Ridgecrest Drive, Colorado Springs, CO, 80918.

Vice Chair Riggs seconded the motion.

The motion passed unanimously.

Board Member Colarelli's reason for his motion is because when a variance is requested, there is a duty to provide alternative mitigation solutions. The appellant has tried to do so with the proposal of the Flame Stop® II, he is not convinced that this product is a satisfactory mitigation solution for the problem that is created by the continued existence of the wood deck. He is the only board member present that served during Waldo Canyon. There was great opportunity to learn, watch and observe fire behavior during that terrible summer. He participated as a member of the board and on the building committee on the review and approval of Appendix K. The thought and experience that went into the writing of that was one of the significant learning experiences of his lifetime in terms of trying to understand how buildings behave. It continues to shape his position since that time. The board has heard more than a dozen similar requests and the department has bent over backwards to work with appellants to find creative solutions. By and large they are solutions with great merit as it relates to try and find the same level of protection

as the adopted code does today. He is not convinced that this does that. This is his reason for the motion.

Vice Chair Riggs stated he approved the motion to deny the appeal. The historic nature plays into how things should be treated. However, the code is written for the protection of the appellant and your neighbors. There are certain things that can be controlled and not be controlled. The code focuses on those things that can be incrementally controlled. Her neighbors will go through similar processes as they incrementally improve their homes because things aren't built like they used to be. There are reasons why certain things aren't built the way they used to be. That is through the continued improvement and knowledge of building technology, building systems and materials for the continued improvement of life safety. He applauds the extreme diligence the appellant has made, and the efforts put forward, he is inclined for the reasons that Mr. Colarelli referenced there are some similarities and takeoffs that don't quite apply but also pose challenges.

Board Member Honn stands with the motion to deny. It does not meet K105.1.8 He understands the appellant is doing everything she can to mitigate and protect her home. He understands the heartache she has with her neighbors not doing the same. He suggested she encourage they join the neighborhood chipping program. He does not think the product presented meets the requirement.

Board Member Kyle Bush appreciates Ms. Carson's passion to upkeep her house and it is very commendable. He wishes everyone did this in our community. He personally knows someone that lost their home to a fire where it started on their deck. He supports the CSFD to deny the request. This is a city that has to be run with rules and believes Ms. Carson would take the mitigation steps necessary however, should one variance be permitted, that opens up a slew of other variances that the fire department would have to work with. He is not convinced that the application of the Fire Stop® II would do its job in this environment. If the house gets sold and comes under new ownership and it is not guaranteed the new owners would re-apply every five years. This would necessitate additional risks to the house and community.

Chair Hewett agrees with the rest of the board. He has watched the city grow. The growth has been a difficult process for the city. It has been a challenge for the fire department to keep up with, but they have done an amazing job. This fire department is one of the highest recognized departments across the nation. It is because of the people sitting in this room as well as the chief and others. He was not living here during the last (Waldo Canyon) fire. At the time, his daughter and her family lived there, and they had to get out of that neighborhood with their lives. Everything we can do to mitigate all of these things are important. Sometimes it feels as though it hurts an individual, that has never been the case with this department. It is a difficult decision for this board to come to. The board members look at this from a perspective of hearing, listening and trying to understand. At the same time, we are obligated as citizens in a manner that best protects our city. It may seem trivial, but each trivial issue grows into bigger and broader issues. He approves the motion to deny the appeal.

BUSINESS

1. Fire Construction Services Fee Schedule Proposal

Presenter: Mellisa Wutzke, Senior Administrative Assistant, Colorado Springs Fire Department

DFM Cooper asked Mellisa Wutzke, Senior Administrative Assistant to the podium to provide an update on the proposal of the Fire Construction Services fee schedule.

Mellisa Wutzke, Senior Administrative Assistant, from Fire Construction Services, introduced herself. She provided an introduction of the fee schedule proposal stating that Captain Valdez initially presented this to the board prior to the process officially starting in February. She presented a slide show (included in the packet). Fire Construction Services (FCS) has presented this fee proposal to the Community Advisory Committee, El Paso County Contractors Association, Fire Alarm Sprinkler Committee, Fire Sprinkler Committee, HBA (Housing & Building Association), AIA (American Institute of Architects), and may be meeting with ACG (Associated General Contractors). Three of the groups have provided letters of support, which are the Fire Sprinkler and Fire Alarm Committee, and El Paso County Contractors Association. AIA is no longer able to vote on issues that are not at the state level. She is working on obtaining a letter from AIA acknowledging that they were there (at the presentation) and aware of the potential changes. There will be a special meeting with the CAC (Customer Advisory Committee) within the next month and request they come to a final decision. FCS has asked the HBA make their decision by mid-July. The goal is to present to the Budget Committee by the end of July or early August. The next step is to speak to the mayor and his staff, and he would have the ultimate decision. The goal is to implement this January 1, 2025. This is in line with the promise FCS has made to the stakeholders to allow them time to implement the new burden rate within their jobs to bid that out.

Sr. Administrative Assistant Wutzke reviewed the power point presentation with the board members.

Board Member Colarelli asked if this (deputy fire marshal salaries and benefits) was the biggest part of the increase.

Sr. Administrative Assistant Wutzke confirmed that it probably was the biggest part of the increase. She further stated that all of the stakeholders have asked as to why it is so much. The administrative pro-rates pay for a portion of the deputy fire marshal position. However, that is just a line item, if it were to be moved to salaries and benefits, which is a huge administrative process to do that, it is still the same amount of money that is being spent, it is just in a different line item. This has been explained to the stakeholders that they now understand. Another part is the increase to the administrative pro-rates that are the city wide services provided to FCS.

Board Member Colarelli referenced the Fire Construction Services Budget History slide and the \$900,000 deficit for this year. If that fee adjustment was in place this year, where would this deficit be?

Sr. Administrative Assistant Wutzke replied it would be significantly lower. She does

not have an analysis.

Board Member Colarelli asked if they would still be running a deficit?

Sr. Administrative Assistant Wutzke replied potentially. Right now, they are at a 62% deficit between revenue and expenses. The proposed fee schedule would help to eliminate that by 35%. But until we can see the impact of services in our area, which depends on the growth of our city, how many permits are being pulled especially commercial permits, we will know how much it is going to bridge that gap until the year later.

Board Member Colarelli stated that was a great point. This year through a meeting two weeks ago, commercial permits are down 31%, plan review is down 38%. Based on those projections, this revenue might be understated just because of the reduction from permitting from 2024.

Sr. Administrative Assistant Wutzke replied that it could be, and it is their goal. They have met their revenue goals the last few years. It depends on the projects that are coming in. Remodels are a huge part of the process and other fees that come in with the inspection processes are a huge help to that.

Board Member Colarelli stated the bottom line is when this fee increase was contemplated, it was an attempt to make up the deficit.

Sr. Administrative Assistant Wutzke confirmed that, they are not trying to make or store money. There is a fund balance that the enterprise has to help mitigate loss of permitting to help save the department that is shared with zoning and DRE as a whole. In the event of a crisis like 2008-2009 with the recession, permitting stopped, building stopped, and they had to lay off staff. They are trying to avoid that. The time it takes to find staff members, train them it could be one to two years. They have a current position that they just made an offer for, but it took three rounds of interviews to find a qualified person. It is not guaranteed that they could fill those seats if they got back up and running.

Board Member Colarelli asked what the reserve fund balance now.

Sr. Administrative Assistant Wutzke replied that the fund balance is given once a year and it is a year behind. That is not something they can control, that comes from their financial department. It sits at 4.8 million (dollars). The finance department has done an analysis for the next five years and if they do not increase their fees, that money will be gone within four to five years. The deficit that we are experiencing from 2023 of over \$800,000 and this year of \$900,000.

Board Member Colarelli stated they will continue to work out of reserves if this does not happen.

Sr. Administrative Assistant Wutzke confirmed that they will continue to work out of the reserves. They are going to analyze this yearly and put in for a fee schedule proposal every two years. The reason this has not been done is because they were asked to put a hold on their proposal in 2022 due to the police, fire and impact fees to

help that public impact.

Board Member Colarelli asked if city council is the only approving jurisdiction.

Sr. Administrative Assistant Wutzke stated they do not have to get approval from city council. They get approval from the budget committee which is made up of city council members. Their ultimate approval is an administrative regulation by the mayor. They are very unique in that sense where the rest of DRE has to go to city council.

Sr. Administrative Assistant Wutzke asked if there were any more questions before she proceeded with the slides.

Board Member Bush asked if these numbers account for inflation.

Sr. Administrative Assistant Wutzke replied that these numbers are solely based on final budget reports that she does an analysis on and is confirmed by DRE senior analyst Candy Fontecchio. These are actual numbers. The inflation side of things are salary and benefits. They can project for that, but they do not know if there will be a market value increase to the benefit side of things.

Board Member Colarelli stated that they know that is going to happen.

Sr. Administrative Assistant Wutzke stated that they do start with a 3 – 5% range solely on annual performance planners. But she will not know until they go before budget review in September. They work with Peter Wysocki and Candy Fontecchio to understand the impact on their budget for 2025.

Board Member Colarelli asked about the projected revenue for 2024, is that based on straight lining where they are the first six months?

Sr. Administrative Assistant Wutzke stated they project their revenue the year before. They will be doing 2025 revenue next month and in September and will be final once city council approves it. It is based on the current number of permits that is seen on the trending report. They cannot falsify what they think is going to happen, it is based on trending reports.

Board Member Colarelli stated there has been a significant change in the trend line in the last six months compared to the six months prior to that. Are her projections based on the continued declining trend or are they based on year over year?

Sr. Administrative Assistant Wutzke replied it is year over year. They cannot go into the future they have to base it on reports from the year prior per their financial department.

Board Member Colarelli stated he suspects they have overstated their revenue.

Sr. Administrative Assistant Wutzke replied that it could be. They hit their revenue in 2023, they may have been \$30,000 under. Since she has been there, she has not seen a significant decrease in their revenue goal. In 2020 they went above that because of Amazon and that was not anticipated revenue.

Board Member Colarelli asked what percentage of revenue comes from plan review

fees.

Sr. Administrative Assistant replied that she needs to do more analysis. The plan review fees include two inspections, sometimes three depending on the inspection. Plan review and inspections, also known as P&I, part of the "I" is within the permit fee that is on the plan review side, other fees that come from inspections within the other trip fees associated outside of that permit such as re-inspection fees, permit renewals, things of that nature.

Chip Taylor, Senior Fire Protection Engineer, stated that the average is 40% plan reviews and 60% inspections. That number gets skewed as projects get bigger because reviews on large projects can be done a lot quicker than physically walking and doing inspections.

Board Member Colarelli thanked him for the information.

Sr. Administrative Assistant Wutzke resumed reviewing the power point presentation with the board.

Inaudible question.

Sr. Administrative Assistant Wutzke replied there was an increase in development in 2022-2023. Some of the plan numbers include anytime staff is taking a phone call on plan review.

Board Member Colarelli stated this is consistent with what is seen from regional (Pikes Peak Regional Building Department).

Sr. Administrative Assistant Wutzke stated the percentage of single family homes or permits that are being pulled from regional building make up 5-10% of their overall business. It is very small percentage of what they are pulling from RBD (Pikes Peak Regional Building Department) as it compares to commercial permitting.

Board Member Colarelli stated that it is interesting in the extraordinary number of plan reviews, the number of projects growing but inspections are staying relatively the same. The conclusion could be that the FCS is doing a much better job on plan reviews so that contractors are forced to do a better job and they are not having to do re-inspect a lot more.

Sr. Administrative Assistant Wutzke replied that is a goal they are working toward. The plan review staff works very hard to maintain a level of education for the contractors. Multiple staff run quarterly committee meetings. Education is a huge part of FCS.

Sr. Administrative Assistant Wutzke resumed reviewing the power point presentation with the board.

Board Member Colarelli commented on the education piece in FCS. The section has gotten so much better on educating them (the contractors), explaining the why. That has been a change and has gotten progressively better. It helps them (the contractors) be better informed and do a better job. He wanted to let DFM Cooper know that is appreciated.

DFM Cooper thanked him and stated that is something they are trying to instill in the culture. He thinks there are great things in the horizon. Their goal is to support the

construction community. The inspectors should consider themselves part of the build team. The end goal is the building comes out at the back end to meet the needs of the customer. The plan reviewers are to consider themselves part of the design team. This is a partnership. Their goal is the same as the architects making sure the building is designed in accordance with code.

Sr. Administrative Assistant Wutzke resumed the review of the power point presentation.

Sr. Administrative Assistant Wutzke concluded with the request for a letter of support that will be presented to the budget committee as well as Mayor Yemi. If the fee schedule is approved, they would like to implement this in January 2025.

Board Member Colarelli asked if a letter of support is being requested from regional building.

Sr. Administrative Assistant Wutzke stated no as FCS fees do not impact their fees, but she will bring it up with Fire Marshal Lacey and get his feedback. The stakeholders that they have chosen to meet with will be impacted by these fees directly.

2. Update on New Board Members

Presenter: Kris Cooper, Deputy Fire Marsal, Colorado Springs Fire Department

DFM Cooper provided information on the board member positions. There are three current applicants for one vacant position and one position that has exceeded its allotted time frame. Interviews will take place with the city council on (June) 21st with a likely appointment made by the 25th of June. Therefore, at the next Fire Board meeting those new appointments should be in place assuming city council moves forward with that. He asks that all board members plan on attending the next meeting. He will keep the board up to date on what the new assignments look like.

OTHER BUSINESS

1. Medical Enterprise

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

Board Member Honn asked if the city council voted on the medical enterprise.

DFM Cooper replied yes, they did. Unfortunately, city council chose not to proceed with the fire department run medical enterprise in a vote of five to four. The CSFD stands behind this enterprise and will continue to pursue it. The contract with AMR can be extended annually on a one-year extension. The community is not without EMS transport system. The current contract goes through next April. This allows for enough time to reflect on how to move forward.

2. DRE Customer Advisory Committee

Presenter: Kris Cooper, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper gave an update on the CAC (Customer Advisory Committee) group. Board Member Honn was appointed to be the representative on this committee. They are restructuring of what that looks like. There has been an administrative regulation that has been drafted for the mayor to sign to better define the committee and what the members look like. The Fire Board of Appeals will maintain representation on the

committee. Officially, once the mayor signs that then a proposal be made to the board for an appointment.

ADJOURN

**Vice Chair Riggs motioned to adjourn.
Board Member Colarelli seconded the motion.
The motion passed unanimously.**

Meeting adjourned at 10:03 A.M.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Kris Cooper", enclosed in a thin black rectangular border.

Kris Cooper
Deputy Fire Marshal and Secretary to Fire Board of Appeals

KC/cm