

Meeting Minutes: Building Official Forum 2019

Date: June 21, 2019
Time: 9:00 am – Noon
Location: St. James Hotel, Red Wing, MN

1. Welcome and Introductions

- Program approved for 3 CE credits for building officials

2. Division Updates – see attached presentation

- Scott McLellan – Legislation
- Eileen McNiff
 - Code adoption
 - Municipal Reports
 - Building department grants
- Charlie Durenberger – Licensed building contractor outreach

3. Break

4. Presentation on using drones in building inspection – Steve Fines, Fines Aerial, LLC

- Building department use of drones is considered commercial.
- Use of airspace is complicated – A permit to fly is required in many areas.
- If you're serious about getting a drone, find a drone without GPS around \$50 – sit in your living room and practice.
- With a more substantial and costly drone, you can get images from a thermal sensor and a camera. A drone of this type costs approximately \$25,000.
- Very small drones, such as those that unfold, come with a nice camera but you can only connect one camera or thermal sensor at a time. A drone of this type costs approximately \$1,000.
- Cold weather is an issue for drones – lithium batteries don't work well unless kept warm – approximately 95 degrees. Batteries only last 20 minutes and need to be used frequently or they will not work. As a minimum you should have at least 3 batteries.
- You can program drones to return “home” in the event of power failures and they will usually fly themselves back home before it runs out of battery life.
- Drones can be used to show where heat is escaping from buildings using thermal imaging.
- On commercial inspections one can quickly spot what windows have lost their seals. New construction often have windows panels not properly sealed.

- Solar panels – if the panel is not working, the energy comes in but shows hot on the infrared. New construction have as much as 25% with wiring errors.
- Roof inspections are performed with infrared cameras. Best done at least one hour after sunset or an hour before sunrise. No solar load needed.
- Can create videos. Most of the videos are shot using a 50-75 mm zoom.
- Zoom cameras are used for buildings/towers where you need to get detailed info and can only be used on larger drones. You can be up to 75-100 feet away.
- When flying a drone with ipad/tablet and the sun is out, use a shade and if necessary, a tunnel shade.
- Steve uses an android tablet to control drones and has no other software loaded, only the app specific to the drone(s).
- In order to see under things such as bridges, there is a camera that goes on top of larger drones.
- Drone cameras can dimension objects by taking thousands of pictures and every pixel becomes a data point of measurement – 3.1 cm per pixel. If you fly lower, you get a higher resolution.
- Volume can be calculated by clicking on the calculate volume button in the software while looking at the video – It turns the video into points of measurement.
- Wind impacts flying at around 15 mph for small, 28 mph for large drones.

Building Official Forum 2019



Scott McLellan, State Building Official, Director, CCLD

Scott McKown, Assistant Director, CCLD

Charlie Durenberger, Assistant Director, CCLD

Eileen McNiff, Manager, CCLD



Agenda

9 am - Noon

- Welcome and introductions
 - Program approved for 3 CE credits for building officials
- Division updates
 - Legislation
 - Code Adoption
 - Municipal Reports
 - Building department Grants
 - Licensed building contractor outreach
- Break (15 mins)
- Presentation on using drones in building inspection

Division Updates

Did not pass

Window cleaning anchors

The code must require the installation of dedicated anchorages for the purpose of suspended window cleaning on (1) new buildings ~~four~~ five stories or greater; and (2) buildings ~~four~~ five stories or greater, only on those areas undergoing reconstruction, alternation, or repair that includes the exposure of primary structural components on the roof.

Did not pass

ADA Work group

The Americans with Disabilities Act Notice to Businesses Working Group is established to develop recommendations for providing notice to business owners that standard building code inspections, plan reviews, and approvals do not guarantee complete compliance with the accessibility requirements of the Americans with Disabilities Act, the Minnesota Human Rights Act, or state building codes.

Did not pass

Green Roof Advisory Task Force

“Green roof” means the roof of a building on which (1) photovoltaic devices are sited or (2) a vegetative landscape and associated elements are installed...

The report must contain the task force’s findings and recommendations, including discussion of the benefits and problems associated with requiring buildings of a certain type and size to install green roofs.

Did not pass

Mandatory fire sprinklers prohibited

The State Building Code, the State Fire Code, or a political subdivision of the state by code or ordinance, must not require the installation of fire sprinklers...in any new or existing single-family detached dwelling unit, townhome, or accessory structure...

Did not pass

Building Code Repeal Workgroup

The commissioner of DLI shall convene a stakeholder group to review and make recommendations on Minnesota state building codes that should be considered for repeal. In reviewing the State Building Code and developing recommendations, the commissioner must consult with representatives of builders' associations, labor groups, firefighters, and other interested stakeholders.

Did not pass

Licensing Solar Contractors as Building Contractors

Special skill means one of the following **eight** categories:

(g) Residential roofing includes work in any of the following areas:

(5) Penetration of roof covering for purposes of attaching a solar photovoltaic system.

(h) General installation specialties in any of the following areas:

(6) assembly of the support system for a solar photovoltaic system

Did not pass

Stretch Codes

The Construction Codes Advisory Council shall establish a voluntary code of standards for the construction, reconstruction, and alteration of public and private commercial and multifamily residential buildings, as an appendix of the State Building Code. This voluntary code of standards must conform to Sustainable Building 2030 standards, as defined in section 216B.241, subd 9. The code sections contained in this appendix may be adopted by a local jurisdiction at its election and become an official addendum to the baseline energy code in jurisdictions adopting them.

Did not pass

Residential Code Review - \$1,000

An agency must determine if implementation of a proposed rule, or any portion of a proposed rule, will, on average, increase the cost of residential construction or remodeling by \$1,000 or more per unit.

If a committee of either the house of representatives or senate with jurisdiction over the subject matter of the proposed rule or a portion of the rule that meets or exceeds the threshold in Subd 2 votes to advise an agency that the rule should not be adopted as proposed, the agency may not adopt the rule unless the rule is approved by a law enacted after vote of the committee.

Passed into law

Manufactured Home Parks and Modular Homes

327.335 – A modular home may be placed in a manufactured home park.

327.31 Subd 23 – For the purposes of this section, “modular home” means a single-family dwelling constructed in accordance with applicable standards adopted in Minnesota Rules, chapter 1360 or 1361, and attached to a foundation designed to the State Building Code.

Passed into law

Public Buildings

326B.103, Subd 11 – Public Building means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a ~~school district building project~~ for a school district or charter school building project the cost of which is \$100,000 or more.

326B.106, Subd 9 (a) – The code must ~~provide for making~~ require new public buildings constructed or remodeled after July 1, 1963, and remodeled portions of existing public buildings to be accessible to and usable by persons with disabilities, ~~although this does not require the remodeling of public buildings solely to provide accessibility and usability to persons with disabilities when remodeling would not otherwise be undertaken.~~

Passed into law

Required CE for Licensed Building Contractors

326B.821 Subd 21 – Residential building contractor, remodeler, and roofer education. (a) Each licensee must during each continuing education reporting time period, complete and report one hour of continuing education relating to energy codes or energy conservation measures applicable to residential buildings and one hour of financial management strategies applicable to residential construction businesses.

Passed into law

Contractor Recovery Fund – Consumer Awareness Campaign

In fiscal years 2020 and 2021 the commissioner of labor and industry must conduct a statewide consumer awareness campaign highlighting the importance of hiring licensed contractors as well as the consequences of hiring unlicensed contractors, and may spend up to \$500,000 each year from the contractor recovery fund to conduct the campaign.

Passed into law

CCLD Housekeeping provisions

- We may now email requests for hearings relating to Licensing Orders, Notices of Violations and Administrative Orders
- Requires vehicles used by a plumbing contractor while performing work to have the contractor's name and license as it appears on the license, affixed to each side of the vehicle (in the same manner required for electrical contractors)
- Allows the commissioner to take enforcement action against anyone unlicensed who is required by law to hold a license that violates the State's Residential Building Contractor licensing law.

Code Adoption

Status

- DLI continues to move forward with the adoption of the I-Codes by beginning to publish the Dual Notices in the State Register.
- When the Dual Notice is published, both the proposed rules and Statement of Need and Reasonableness (SONAR) will be posted on the rulemaking docket (<http://www.dli.mn.gov/about-department/rulemaking/construction-codes-and-licensing-rulemaking>)

Code Adoption

Status

- The first Dual Notice to be published will be for the *2018 International Existing Building Code* (Minnesota Rules, Chapter 1311)
- The Dual Notice will be published on June 24, 2019.
- The public comment period will end on July 24, 2019

Status

- Dual Notices will be published throughout the summer and into the fall. Sign up for email updates at <http://www.dli.mn.gov/about-department/rulemaking/construction-codes-and-licensing-rulemaking>

Code Adoption

Status

- The Dual Notice gives the public 30 days to provide comment and/or to request a public hearing. If 25 or more people request a public hearing, a hearing will be established on the date set in the Dual Notice. If fewer than 25 persons request a public hearing, the proposed rule and SONARs will be submitted to an administrative law judge for review.
- The administrative law judge may recommend that a proposed rule be changed due to input received by the public.

Code Adoption

Status

- The rule is NOT in its final form until a Notice of Adoption is published in the State Register
- However, the publication of the Notice of Adoption does not mean the rule is effective.
- All 2018 I-Codes and their amendments will be effective as of March 31, 2020 or later if a public hearing is held.

Status of the Residential Energy Code

- On May 2, 2019 the US DOE issued a preliminary determination that the 2018 IECC is 1.68% more efficient than the 2015.
- On April 3, 2019 we received a report showing that the 2018 IECC is projected to save \$151/year per dwelling on average from our current energy code.
- Once the US DOE issues its final determination, the Department will hold a public hearing

Municipal Construction and Development Fee Revenue & Expense Annual Report

MN. Stat. § 326B.145 ANNUAL REPORT

- Each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded \$5,000 in the reporting year, except that, for reports due June 30, 2009, to June 30, 2013, the reporting threshold is \$10,000. The report must include:
 - (1) the number and valuation of units for which fees were paid;
 - (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and

Municipal Construction and Development Fee Revenue & Expense Annual Report

MN. Stat. § 326B.145 ANNUAL REPORT.

- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.
- A municipality that fails to report to the department in accordance with this section is subject to the remedies provided by section [326B.082](#).

History: [2001 c 207 s 6](#); [2003 c 6 s 1](#); [2007 c 140 art 4 s 61](#); art 13 s 4; [2009 c 152 s 4](#); [2010 c 280 s 18](#)

MUNICIPAL CONSTRUCTION and DEVELOPMENT FEE REVENUE and EXPENSES ANNUAL REPORT

Reporting Period Ending December 31, __ ____, as required by Minnesota Statute 326B.145

I. Municipality

Municipality	County	Telephone No. (include area code)
Address	City, State, ZIP	

II. Building Inspection Permits

	TYPE OF PERMIT	Number of Permits	Number of Units	Valuation
1.	New Single-Family Dwelling	0	0	\$0
2.	New Multi-Family Dwelling	0	0	\$0
3.	New Commercial / Industrial / Institutional	0	NA	\$0
4.	Addition / Alteration	0	NA	\$0
5.	Other	0	NA	\$0

III. Fee Revenue And Expenses Associated With Building Permits And Inspections

FEE REVENUE			EXPENSES		
6.	Permit Fees	\$0	10.	Building Inspection Expenses	\$0
7.	Plan Review Fees	\$0			
8.	Other Fees	\$0			
9.	TOTAL FEE REVENUE	\$ 0			

IV. Fee Revenue And Expenses Associated With Development

FEE REVENUE			EXPENSES		
11.	Administrative Fees	\$0	16.	Administrative Expenses	\$0
12.	Engineering Fees	\$0	17.	Engineering Expenses	\$0
13.	Planning and Zoning Fees	\$0	18.	Planning and Zoning Expenses	\$0
14.	Other Fees	\$0	19.	Other Expenses	\$0
15.	TOTAL FEE REVENUE	\$ 0	20.	TOTAL EXPENSES	\$ 0

V. Fee Revenue And Capital Expenditures Associated With Development-Related Infrastructure

FEE REVENUE			CAPITAL EXPENDITURES		
21.	Infrastructure Fees	\$0	25.	Infrastructure Expenditures	\$0
22.	Park Dedication Fees	\$0	26.	Park Expenditures	\$0
23.	Other Fees	\$0	27.	Other Expenditures	\$0
24.	TOTAL FEE REVENUE	\$ 0	28.	TOTAL CAPITAL EXPENDITURES	\$ 0

CERTIFICATION: I hereby certify the information contained herein to be an accurate representation of fees collected and expenses incurred.

Name/Title of Official Completing Form	Telephone No. (include area code)	Date:	
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Municipal Construction and Development Fee Revenue and Expense Report

Detailed Line Item Instructions

Begin by entering the year that is covered by the report (for example, 2004). Complete the report by tabbing through the report, field by field, and entering the requested data as described in the following paragraphs.

I. Municipality

Enter all information requested about your municipality.

II. Building Inspection Permits

Lines 1 – 2: Record the total number of permits, the total number of units represented by those permits, and the total valuation for new single-family dwellings and new multi-family dwellings.

Lines 3: Record the total number of permits and the total valuation for new commercial, industrial, and/or new institutional construction.

Lines 4: Record the total number of permits and the total valuation for construction of additions and/or alterations.

Line 5: Record permits and valuation for all construction not included on Lines 1 through 4, including plumbing, mechanical, electrical, fire sprinkler, building sewer and water lines, related inspection permits, and other miscellaneous permits. This line includes only those permits issued for work regulated by the State Building Code and subject to the state surcharge fee.

III. Fee Revenue and Expenses Associated with BUILDING PERMITS and INSPECTIONS

Line 6: Record all building permit fees collected. The permit fee is the fee intended to pay for building inspection services. Do not include other fees collected when the building permit is issued.

Line 7: Record all fees for plan reviews.

Line 8: Record all other permit fees, including fees for plumbing, mechanical, electrical, fire sprinkler, sewer and water, and related inspection permits. DO NOT include pass-through fees such as MWCC SAC fees, or state surcharges. Report municipal fees for sewer, water, roads, parks, and utilities under "Other Fees" (Line 23).

Line 9: No entry is required. The sum of lines 6, 7, and 8 is calculated and displayed.

Line 10: Record all building inspection expenditures, including salaries, benefits, transportation, office, and other operating expenses, as well as such external costs as service expenses from other departments for building, utilities, finance, personnel, MIS, planning, and engineering.

IV. Fee Revenue and Expenses Associated with DEVELOPMENT

Line 11: Record all administrative fees collected in the context of a developer's agreement on either a fixed percentage basis or an actual incurred basis.

Line 12: Record all engineering fees collected and deposited in an escrow account under the context of a developer's agreement or on a non-refundable percentage basis.

Line 13: Record all planning and zoning fees, including development-related application fees charged for preliminary and final plats, P.U.D.s, subdivisions, rezoning, variances, vacations, comprehensive plan and zoning code amendments, and conditional-use permits.

Line 14: Record all fees not included on Lines 11 through 13.

Line 15: No entry is required. The sum of lines 11 through 14 is calculated and displayed.

Line 16: Record all administrative expenses, including those for planning consultations, plan layout reviews, engineering oversight of developer-installed utilities, and special assessment administration. Such expenses are generally associated with municipal staff personnel.

Line 17: Record all engineering expenses, including professional services such as soil tests, traffic reports, consulting engineering fees for design, and inspection. Such costs are typically drawn from an escrow account where any remaining balance is returned to the developer.

Municipal Construction and Development Fee Revenue and Expense Report

Municipal Construction and Development Fee Revenue and Expense Report

Below \$5,000 Threshold

The City, County, Township (please circle one) of _____ does not meet the \$5,000 threshold for annual reporting of collection of fees related to construction and development.

Signature: _____

Title: _____

Phone: _____

Date: _____

Municipal Construction and Development Fee Revenue and Expense Report

Questions

Contact Eileen P. McNiff

eileen.mcniff@state.mn.us

651-284-5859

Building Department Grants

Change in plans

- Originally developed as the Building Official Apprentice Program. However, while under development, we learned we could not hire staff that would not work for the State of Minnesota.

Building Department Grants

New Approach

- DLI is proposing to award grants for prospective new building officials including their education and training.
- This may include up to 12 municipalities over a two year period. \$780,000 has been budgeted per year.
- Four Grants may be made available to municipalities in the seven-county metro area and eight to Greater Minnesota
- Municipalities would be responsible for providing employee training and development as well as providing required documentation and accounting of the terms of the Grant.
- CCLD staff will make periodic visits to partnering municipalities to review the training progress.

Building Department Grants

Next Steps

- DLI is currently developing a “Request for Proposal” (RFP) that will outline the conditions of the Grant.
- Municipalities wanting to apply will be able to following the instructions that will be provided along with the requirements needed to participate in the program.
- The applications and supporting documents needed will be published in the State Register and on the DLI website.

Building Department Grants

Tentative Schedule

- July - RFP Completed
- August - Post RFP in State Register and DLI website
- September - Review of applications by grant committee
- October/November - Make award selection
- December – Announce Grant selections and enter into contracts.

Licensed Building Contractor Outreach

- Contractor Recovery Fund (CRF) statute authorizes funding for consumer education
- DLI, BAM & BATC have been discussing consumer outreach
- 2019 Legislature approved use of \$500,000 per year from CRF for outreach
- DLI will seek outside marketing firm to conduct program
- DLI's Labor Standards and Apprenticeship Division recently did the same thing with positive results
- DLI staff will provide content and messaging

Licensed Building Contractor Outreach

CRF funds will also be used to fund a temporary CCLD position to provide licensing enforcement and support to licensed building contractors in non-code enforced areas of the State.

- Position will be responsible for
 - ✓ investigating unlicensed activity
 - ✓ inspection and consultation to licensed builders
 - ✓ educating municipal staff on licensing issues
- Cooperative effort with local chapters of licensed builders
- Travel will be required as efforts will be focused on specific geographical areas around the state
- Must be a certified building official with excellent interpersonal skills

Break