

Construction Codes Advisory Council Meeting
Thursday, June 23, 2016 @ 10:00 a.m.
MEETING MINUTES

Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members:

Scott McLellan (Chair)
Bob Bastianelli
Mark Brunner
Doug Determan (Higgins Alternate)
Tom Erdman
Todd Gray
Gerhard Guth
Laura McCarthy
Dan McConnell (Parris Alternate)
John McConnell
Kevin McGinty (Smith Alternate)
Larry Stevens, Jr.

Members Absent:

Jennifer DeJournett
Tom Downs
Bill Freitag
Patrick Higgins
Jim Kittelson
Mike Paradise
Pete Parris
Jim Smith

Staff & Visitors

Jeff Lebowski – DLI
Lyndy Lutz – DLI
Lori Herzog – DLI
Todd Green – DLI
Jim Lungstrom - DLI
Scott McKown – DLI
Remi Stone – BAM
John Babin – City of Savage
Gary Thaden – MMCA/MECA
David Siegel – BATC

1. Call to Order

The meeting was called to order at 10:03 a.m. by Chair McLellan. Housekeeping announcements were made.

2. Introductions

Members introduced themselves and a quorum was declared.

3. Approval of Minutes

A motion was made by Bastianelli, seconded by Brunner, to approve the February 11, 2016, meeting minutes. The vote was unanimous; the motion carried.

4. **Division and Department Reports**

a) **2015 Minnesota Fire Code**

McLellan said the 2015 Minnesota Fire Code became effective May 2, 2016, and can be purchased through the department's website at:

<http://www.dli.mn.gov/CCLD/codes15.asp> He also noted that on or about July 15, 2016, the free electronic version would be available through this same webpage. McGinty noted that future adoptions of the Minnesota Fire code would be adopted on the same 6-year cycle as the Minnesota Building Codes.

b) **2015 Minnesota Plumbing Code**

McLellan said the 2015 Minnesota Plumbing Code became effective January 23, 2016. The book can be viewed electronically for free or purchased through the department's website at: <http://www.dli.mn.gov/CCLD/codes15.asp> McLellan also said that the Department has information on its Plumbing website that is helpful in understanding some of the new requirements. In addition, the Plumbing Board has issued a new final interpretation regarding PE water service piping. This can be found on the Plumbing Board's website at: <http://www.dli.mn.gov/pbFinal.asp>

c) **Understanding Minnesota Amendments to the State Building Code**

McLellan described the purpose of this department-produced publication as helping designers and regulators understand the purpose behind all of the state amendments contained in the Minnesota codes. It is available for purchase from the State's bookstore or available free for viewing on the Division's website at: <http://www.dli.mn.gov/CCLD/codes15.asp>

d) **SB2030 – Sustainable Building Guidelines**

McLellan said DLI and representatives of the Department of Commerce met to discuss a possible expansion of the application of the State's 2030 Standard. SB2030 can be applied to the design of new buildings or renovations to meet sustainability goals for site, water, energy, indoor environment, materials and waste and are required on all projects that receive general obligation bond funding from the State of Minnesota. McLellan noted that 2030 outlines specific performance targets for energy use in buildings until 2030. Every five years the standard for total energy use in buildings is to be reduced, starting in 2010 at a 60% reduction for new construction and ending in 2030 as a 100% reduction (net zero carbon). Guth asked if a comparison was done with the MN Energy Code. [McLellan – Current MN energy code is estimated to be about 70% of the energy conservation requirements established in the 2030 Standard for 2015]

e) **Building Official Forum – Camp Ripley – June 17, 2016**

McLellan briefly discussed the recent building official forum and highlighted several areas of discussion including efforts to find skilled replacements for retiring code officials, noting 50% of the current workforce is 56 years or older. Another discussion

point regarded the challenges associated with the growth and complexity in the codes.

f) Solar PV in Minnesota

McLellan said that installations of photovoltaic solar systems in Minnesota are on the rise. Stakeholders should become familiar with the code requirements contained in the Minnesota Building Code for roof-mounted installations including spacing, access, and disconnect.

g) E-plan review

Guth asked McLellan about the department's electronic plan review. McLellan said that both Building and Plumbing Plan Review units are accepting plans submitted electronically for review. Several more cities in Minnesota are in the process of implementing e-plan review and Determan said the City of Minneapolis will have it available October 3.

5. 2016 Legislation

Rajkowski provided an update on the following legislative items:

- a)** SF 2555 regarding Temporary Family Health Care Dwelling. McLellan added that the bill didn't go far enough to address department's health and safety concerns. However, municipalities may opt-out by local ordinance.
- b)** HF 2955 regarding legal claims for non-accessible buildings. McLellan added that the department is working with the Minnesota Council on Disability to provide training and outreach to potential auditors and others interested in this tool.
- c)** The Department's Housekeeping bill. Three provisions were passed: (1) A provision that enables the Boards to adopt Rules with a sooner effective date if necessary due to health and safety; (2) A clarification that the State's statute regarding lead limits in plumbing are intended to mirror those of the federal government's; (3) A provision that enables the department to renew journey worker's plumber's license on odd-numbered years.
- d)** A provision that changes the expiration of an exception for high pressure boiler attendance requirements for certain sawmills to the sooner of August 1, 2018 or upon the effective date of a rule change affecting the same.

6. Council Operations

a) Statute review

McLellan reviewed existing MN Statute 326B.07 (**Attachment A**) and MN Statutes 326B.106 and 326B.118 (**Attachment B**).

b) Bylaw review

McLellan reviewed CCAC's existing By-laws (**Attachment C**).

c) Recommendations for change

- McLellan asked members to notify him by **August 15, 2016** (45 days before the next meeting scheduled for September 29, 2016) of any suggestions for changes to the Statutes and By-laws that members would like to discuss.
- McLellan agreed with a suggestion by Gray that future DRAFT minutes would be sent to members for review within 21 days following a meeting.
- Guth asked if changes to the codes could be implemented before the next code adoption cycle. McLellan said statute permits the commissioner to adopt amendments to the codes prior to the adoption of the new building codes under certain conditions. If something were proposed, the request would have to satisfy the conditions established in law and then the commissioner could direct the agency to begin a rulemaking.
- Determan questioned whether the use of technical advisory groups (TAG's) could be effective in the adoption of the codes.

d) Ideas for meetings

Dan McConnell suggested a discussion on condominium laws. Remi Stone said it may be helpful to review previous T.A.G. reports.

7. Next Meeting

A tentative meeting date was set for 10:00 a.m. on September 29, 2016.

8. Adjourn

The meeting adjourned at 11:31 a.m.

Respectfully Submitted,

Lyndy Logan

Executive Secretary, Construction Codes and Licensing Division
Department of Labor and Industry

326B.07 CONSTRUCTION CODES ADVISORY COUNCIL.

Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of the following members:

(1) the commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division;

(2) the commissioner of public safety or the commissioner of public safety's designee representing the Department of Public Safety's State Fire Marshal Division;

(3) one member, appointed by the commissioner, engaged in each of the following occupations or industries:

- (i) certified building officials;
- (ii) fire chiefs or fire marshals;
- (iii) licensed architects;
- (iv) licensed professional engineers;
- (v) commercial building owners and managers;
- (vi) the licensed residential building industry;
- (vii) the commercial building industry;
- (viii) the heating and ventilation industry;
- (ix) a member of the Plumbing Board;
- (x) a member of the Board of Electricity;
- (xi) a member of the Board of High Pressure Piping Systems;
- (xii) the boiler industry;
- (xiii) the manufactured housing industry;
- (xiv) public utility suppliers;
- (xv) the Minnesota Building and Construction Trades Council; and
- (xvi) local units of government.

(b) The commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division shall serve as chair of the advisory council. For members who are not state officials or employees, compensation and removal of members of the advisory council are governed by section 15.059. The terms of the members of the advisory council shall be four years. The terms of eight of the appointed members shall be coterminous with the governor and the terms of the remaining nine appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. Each council member shall appoint an alternate to serve in their absence.

Subd. 2. **Duties of council.** The council shall review laws, codes, rules, standards, and licensing requirements relating to building construction and may:

- (1) **recommend** ways to eliminate inconsistencies, to streamline construction regulation and construction procedures, and to improve procedures within and among jurisdictions;
- (2) **review and comment** on current and proposed laws and rules to promote coordination and consistency;
- (3) **advise** agencies on possible changes in rules to make them easier to understand and apply; and
- (4) **promote** the coordination, within each jurisdiction, of the administration and enforcement of construction codes.

The council shall meet a minimum of four times each year. The council shall report its findings and recommendations to the commissioner. The council shall recommend changes in laws or rules governing building construction. The council shall establish subcommittees to facilitate its work. If the council establishes subcommittees, it shall include in their memberships representation from entities and organizations expressing an interest in membership. The commissioner shall maintain a list of interested entities and organizations.

Subd. 3. **Agency cooperation.** State agencies and local governmental units shall cooperate with the council and, so far as possible, provide information or assistance to it upon its request. The commissioner shall provide necessary staff and administrative support to the council.

History: 2007 c 140 art 4 s 27,61; art 13 s 4; 2008 c 337 s 64; 2014 c 286 art 8 s 38

2015 Minnesota Statutes

326B.106 GENERAL POWERS OF COMMISSIONER OF LABOR AND INDUSTRY.

Subdivision 1. Adoption of code.

(a) Subject to paragraphs (c) and (d) and sections [326B.101](#) to [326B.194](#), the commissioner shall by rule and in consultation with the [Construction Codes Advisory Council](#) establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections [326B.101](#) to [326B.194](#), the commissioner shall administer and enforce the provisions of those sections.

2015 Minnesota Statutes

326B.118 ENERGY CODE.

The commissioner, in consultation with the [Construction Codes Advisory Council](#), shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the [Construction Codes Advisory Council](#).

Construction Codes Advisory Council Bylaws

Article I -- Membership

Section 1. The membership of the Council consists of 18 members, as prescribed by Minnesota Statutes (M.S.), section 326B.07, subdivision 1. Each council member shall appoint an alternate to serve in their absence.

Section 2. A member may be replaced as provided elsewhere in these Bylaws, and as authorized in M.S. 15.059.

Article II -- Meetings

Section 1. The council shall meet a minimum of four times per year. The Council may increase its meeting frequency by an affirmative vote of a majority of the members.

Section 2. Special meetings may be called at any time by the Chair or a majority of the members of the Council. There must be reasonable notice of such meeting given to every member. Notice may be given either by email, mail or telephone. The notice shall state the purpose of such meeting.

Section 3. A majority of the voting members of the Council constitutes a quorum. The Council may take testimony and discuss agenda items without a quorum present, but no question may be decided in the absence of a quorum.

Section 4. Agenda.

a. At all regular meetings of the Council, the following shall be the order of business:

1. Call to Order
2. Roll call and declaration of quorum
3. Approval of Meeting Agenda
4. Minutes of the preceding meeting and actions thereon
5. Reports of officers and committees
6. New Business
7. Unfinished business
8. Open Forum
9. Council Member Discussion
10. Announcements
11. Adjournment

- b. At all special meetings of the Council, the following shall be the order of business:
 - 1. Roll call and declaration of quorum
 - 2. Reports of officers and committees concerning the purpose for which the meeting is called
 - 3. Discussion of the purpose for which the meeting is called

Section 5. Meeting agendas shall be prepared by the Chair or a member appointed by the Chair. If a member desires to have an issue placed on the agenda, that member shall give notice to the Chair, prior to the meeting, either by email, mail or telephone. The notice shall state the topic to be placed on the agenda.

Section 6. Meeting Minutes.

- a. The chair of the Council and any subcommittee chair shall cause minutes to be kept.

The minutes must include:

- 1. The time and location of the meeting;
- 2. A list of Council members present;
- 3. The names of all persons attending the meeting;
- 4. The disposition of each item on the agenda;
- 5. The substance of each motion, the person so moving, and the result on any vote on the motion; and
- 6. A summary of other important discussion related to the work of the Council.

- b. Minutes of Council meetings shall be reviewed and approved at the next regular meeting of the Council. Minutes of subcommittee meetings shall be approved by the subcommittee chair.

Section 7. Public Meetings. All Council meetings, including subcommittee meetings, shall be open to the public and are to be held at the Department of Labor and Industry offices located at 443 Lafayette Road North, Saint Paul, Minnesota. As provided in Minnesota Statutes, section 326B.32, subdivision 7, meetings employing telephone or other electronic means may be conducted.

Section 8. Robert's Rules of Order may be used to help the Council conduct its meetings.

ARTICLE III -- Attendance

Section 1. A member of the Council that is absent from two consecutive regular meetings without satisfactory excuse shall receive written notice indicating that, in the event three consecutive meetings are unattended without satisfactory excuse, a recommendation may be sent to the appointing authority to remove that member from the Council. This notice shall come from the Chair to the specific member.

Section 2. A member of the Council that is absent from five consecutive regular meetings, regardless of satisfactory excuses, shall be deemed to have resigned his/her membership on the Council. A recommendation will be made to the appointing authority for filling a vacancy.

ARTICLE IV -- Voting

Section 1. Each member of the Council shall receive one vote.

Section 2. Alternate members do have voting privileges.

Section 3. Proxy voting is prohibited. Voting by e-mail or fax is permitted when deemed necessary. Mail voting is permitted. The vote should be mailed to the Chair prior to the scheduled meeting.

ARTICLE V -- Committees & Subcommittees

Section 1. There shall be an Executive Committee consisting of the Chair, and four other members elected by the Council. The Chair of the Council shall be the Chair of the Executive Committee. The Executive Committee shall advise and assist the Chair on determining agenda items, Council workplan and the general direction of the Council. The Executive Committee shall also evaluate proposed changes to the Bylaws. The Executive Committee shall not act on any policy, position or opinion without authority of the Council.

Section 2. Committees, Subcommittees or Technical Advisory Groups (TAG's) may be formed to consider and report on subjects requiring special study. The Executive Committee shall appoint these committees and their members unless a motion to the contrary is passed by an affirmative majority vote. In the event such a motion is passed, the members of the Subcommittee or Technical Advisory Group shall be nominated and elected by the Council. The number of Subcommittee or Technical Advisory Group seats to be filled shall be determined by the Executive Committee of the Council. The members of said group should be diverse in background and have experience with the subjects being studied by the group.

Section 3. The Subcommittee or Technical Advisory Group will be charged with an issue for study as determined by the Council. The Subcommittee or Technical Advisory Group responsibility will be to review the issue and make recommendations back to the Council in a time and manner determined by the Council.

Article VI -- Responsibilities and expectations of members:

Section 1. Members are expected to:

- a. prepare for active discussion in meetings and to serve on committees;
- b. act as liaison between constituent group and CCAC and inform constituent groups of CCAC activities;
- c. abstain from voting when conflict of interest might exist; and
- d. refrain from writing letters or other communication in the name of CCAC except as authorized elsewhere in these Bylaws.

Article VII -- Expenses

Section 1. Members' expenses shall be reimbursed in accordance with M.S. 15.059, subd. 3.

Article VIII -- Amendments to Bylaws

Section 1. Any member may propose an amendment to these Bylaws provided such a proposal is submitted to the Chair forty-five days prior to a regular meeting.

Section 2. All proposed amendments shall be reviewed by the Executive Committee and submitted to the entire Council membership at least thirty days prior to being placed on the agenda for action.

Section 3. Proposed amendments must be passed by a two-thirds (2/3) affirmative vote of the Council at a regular meeting at which a quorum is present.

Article IX -- Scope

Section 1. These Bylaws apply to the Council and all its committees, subcommittees, TAGs and other groups appointed by the Council.

ADOPTED: June 18, 2009