Meeting Minutes: Construction Codes Advisory Council

Date: December 10, 2020
Time: 10:00 a.m.
Location: WebEx Event

Members:
1. Scott Anderson (Guth alternate)
2. Richard Becker (Herman alternate)
3. Mark Brunner
4. Tim Daugherty (Scherber alternate)
5. Jennifer DeJournett
6. Tom Erdman
7. Duane Hendricks
8. Ken Hinz
9. Tom Jenson
10. Laura McCarthy
11. Dan McConnell
12. Scott McLellan
13. Mike Paradise
14. Andrew Rauch (Downs alternate)
15. Reed Sprung
16. Gary Thaden (Alternate)
17. Stephen Ubl
18. Mike Warren

Members Absent
Tom Downs
Gerhard Guth
Mike Herman
Russ Scherber

Staff & Visitors continued
Charlie Durenberger – DLI
Todd Green – DLI
Marty Kumm – DLI
Rich Lockrem – DLI
Scott McKown – DLI
Eileen McNiff – DLI
Chris Meier – DLI
Greg Metz – DLI
Chad Payment – DLI
Bill Reinke – DLI
Steve Shold – DLI
Amanda Spuckler – DLI
Suzanne Todnem – DLI
John Williamson – DLI
Brian Daml – Deml Heating & AC
Nick Erickson – Housing First
Ardy Goudarzi – City of Mpls
Adam Hanson – ABC MN
Richard Hauffe – ICC
Clinton Hoffman – Paulson Eng.
Irene Kao – League of MN Cities
Jeffrey Mang
Stacy Miller – City of Mpls
Jason Nerison – Piedmont
Logan O’Grady – Larkin Hoffman
Pat Riley – Metro Elevator
Nathan Weber – City of Detroit Lakes
Russ Landry – CEE – MN Chapter of ASHRAE
Ben Rabe – Fresh Energy
Nichol Westfall – MEEA
James Williamette – City of St. Paul

Staff & Visitors
Roslyn Robertson – DLI
Heather McGannon – DLI
Kate Perushek – DLI
Jeff Lebowski – DLI
Lyndy Logan – DLI
Kelly Cooper – DLI
1. **Call to order**  
   A. Roll call by Executive Secretary – a quorum was established and maintained throughout the meeting with 18 members/alternates present during at least one point in the meeting.  
   B. Announcements/Introductions of speakers – Chair McLellan  
      • Thank you for joining this remote meeting held via WebEx. As Chair, I have determined that today’s meeting is being held electronically via the WebEx format due to the current status of the State of Minnesota operating under the peacetime emergency due to the COVID-19 health pandemic. Per Minnesota Statutes, section 13D.021, electronic meetings are acceptable when holding an in-person meeting is “not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.” All votes will be taken by roll call.  
      • Council members and attendees present on this WebEx will be able to hear all discussions.  
      • All handouts discussed and WebEx instructions are posted on the Council’s website, visit: https://www.dli.mn.gov/about-department/boards-and-councils/construction-codes-advisory-council  
   C. WebEx instructions/procedures were given by Lyndy Logan  
      **Participant and Chat functions – Raise your hand before speaking**  
      • Click on Participants and Chat, bottom right – panels will open on the right side of your screen.  
      • The hand icon can be found just above the Chat section – click to turn on, click again to turn off.  

**Board member or alternate and speakers (Panelist):**  
- Able to mute and unmute their microphones.  
- Click the hand icon to indicate you wish to speak. The Chair or host will call your name – unmute yourself and state your name before speaking. Click on the hand icon to turn off.  

**Members of the public (Attendees):**  
- Able to hear everything but can speak only if public input is requested or during Open Forum.  
- For technical assistance, send the host a chat message or email Lyndy at lyndy.logan@state.mn.us  

**Open Forum or Public Input requested:**  
- Open Forum forms can be found on the Council’s webpage – please complete and send to lyndy.logan@state.mn.us if you would like to address the Council.  
- Click on the hand icon to indicate you would like to speak, send a chat message to the host, or email Lyndy at lyndy.logan@state.mn.us  
- The Chair or host will call your name and your mic will be unmuted.  
- Please keep comments to 5 minutes or less. Click the hand icon to turn off.
2. **Approval of meeting agenda**  
   A motion was made by Hendricks, second by Brunner, to approve the agenda as presented. The roll call vote was unanimous with 18 votes in favor; the motion carried.

3. **Approval of previous minutes**  
   A motion was made by DeJournett, seconded by Hendricks, to approve the Oct. 21, 2019, meeting minutes as presented. The roll call vote was unanimous with 18 votes in favor; the motion carried.

4. **Department updates**  
   A. **Commissioner Robertson**  
      Roslyn Robertson thanked everyone for their patience and understanding due to the new meeting environment created by COVID. Robertson stated she was designated as Temporary Commissioner on Aug. 13, 2020, when the previous Commissioner was not confirmed by the Minnesota Senate. Robertson was the Assistant Commissioner in 2005 charged with implementing the department’s Executive Order to consolidate the Construction Codes and Licensing Division (CCLD) into the agency. In 2015 she stepped down from state service but returned at the request of the former DLI Commissioner and was appointed Deputy Commissioner from March 2019 to Aug. 13, 2020. Commissioner Robertson will remain as DLI’s Temporary Commissioner until a new commissioner is appointed.

      Commissioner Robertson gave the following departmental updates:
      - **Work Comp Campus Community** – The Department of Labor and Industry’s (DLI’s) new technology launch of a workers' compensation claims portal, rolled out Nov. 2. The department is working closely with stakeholders to ensure concerns are addressed, system revisions are quickly implemented and communicated to all parties concerned. In addition, a [Workers’ Compensation Division Help Desk](#) has been established to offer support and includes representatives from insurance companies, vocational rehabilitation counselors, attorneys, and employers.
      - The department has been extremely busy due to COVID. The number of employee/employer concerns, complaints and inquiries has increased in the Labor Standards unit by 300-400% and Minnesota’s OSHA’s Compliance unit has seen a 250% increase in the number of complaints. DLI is the first stop for employee/employer issues and the department remains committed to be a trusted source of reliable information.
      - Commissioner Robertson emphasized the value of stakeholder engagement and feedback from industry leaders as policy is shaped at DLI and she thanked stakeholders for their time, commitment and service. She also thanked CCAC’s Technical Advisory Groups for their time and dedication reviewing the [2020 Building Codes](#), which have now been published.

   B. **Kate Perushek, Legislative Affairs Director** – see [Attachment A](#) regarding a Building Energy Efficiency workgroup.
5. **Division updates – see Attachment A**
   A. Continuation of Services – Scott McLellan
   B. Code adoption updates
      b. Electrical Code – Jeff Lebowski
      c. Plumbing Code – Suzanne Todnem
   C. Elevator Inspection program / iMS update – Todd Green
   D. Building Official Training Grant Program – Eileen McNiff
   E. Statewide Outreach Campaign – Kelly Cooper
   F. Statewide Outreach Inspector Pilot Program – Charlie Durenberger

6. **New business**
   A. Commercial Energy Code TAG member approval – Scott McLellan reviewed the names and representation of the TAG candidates – see **Attachments A and B**.
      
      A motion was made by Hendricks, seconded by Brunner, to approve the proposed technical advisory group members for the Minnesota Commercial Energy Code. The roll call vote was unanimous with 18 votes in favor; the motion carried.

7. **Open Forum**
   No Open Forum forms were received, and no attendees addressed the Council.

8. **Council member discussion**
   The Chair explained the appointment/re-appointment process and said the department would begin reviewing applications in January 2021.

9. **Announcements**
   No meeting scheduled at this time – possibly late winter or early spring to review work of the commercial energy code TAG.

10. **Adjournment**
    A motion was made by Hendricks, seconded by DeJournett, to adjourn the meeting at 11:45 a.m. The roll call vote was unanimous with 18 votes in favor; the motion carried.

Respectfully Submitted,

*Lyndy Logan*

Executive Secretary to the CCAC
Building Energy Efficiency Workgroup

• Goal: Improve energy efficiency in new commercial and multifamily buildings

• The Departments recommend the current statewide commercial energy code be advanced and accelerated such that it achieves net zero by 2036, beginning with adoption of ASHRAE 90.1-2019.

• Because the model code alone would likely be insufficient to achieve net zero by 2036, subsequent code adoptions would include an adjusted minimum percent efficiency or an equivalent set of enhancements to meet that goal.

• Proposal is part of Climate Subcabinet work to meet Minnesota's greenhouse gas reduction goals of 30% reduction from 2005 levels by 2025 and 80% reduction by 2050.
BUILDING EFFICIENCY WORKGROUP

- Report: Improving building energy efficiency in commercial and multi-family construction (December 2020)

The Minnesota Departments of Commerce (Commerce) and Labor and Industry (DLI) are convening an informal short-term workgroup to examine policy ideas that enable cities to voluntarily promote or otherwise ensure greater energy performance measures for commercial and multifamily residential buildings.

The workgroup will meet in October 2019 through January 2020 to develop a common set of information, discuss various perspectives and identify areas of potential compromise. Workgroup discussion will inform the agencies' perspectives about potential policy options that enable cities to make progress on building efficiency and carbon use.

Members of the workgroup include a varied group of stakeholders and have been designated by the commissioners of Commerce and DLI. While workgroup membership has already been determined, workgroup meetings are open to the public.

Members of the public may participate by attending workgroup meetings in person and through submission of written comments to buildingefficiency.dli@state.mn.us.
Services have continued...

- Because inspections are considered a priority service, all our inspection services have continued throughout the pandemic.
- Plan reviews have continued remotely primarily through our e-Plan review capability.
- Construction permits continue to be issued electronically.
- Licensing and enforcement services have continued remotely.
- License exams were initially halted, but then reinstituted this summer.
- Our educational offerings have continued in new online formats.
State Building Code

• The new set of codes became effective March 31, 2020. (Mech- April 6; Elev-Sept 28) March 2020 was our goal in 2015

• The new codes adopting the 2018 "I" codes have been customized in paper & electronic formats as 2020 Minnesota codes.
Energy Code

- Minnesota adopted the 2018 IECC for commercial buildings on March 31.

- On August 3, a public hearing was held on whether DLI should adopt the 2018 IECC for residential buildings.

- The Administrative Law Judge concluded that the hearing record could support either determination by the Commissioner. Yet between the two alternatives, the Administrative Law Judge recommended postponement of the rulemaking.

- As a result, the department will not adopt the 2018 IECC for residential buildings but will wait for the US Department of Energy (DOE) to review and evaluate the 2021 IECC.
2020 NEC update

• The Board of Electricity adopted the 2020 National Electrical Code (NEC) with an effective date of Nov. 17, 2020. Accordingly, the Department of Labor and Industry began enforcing the 2020 NEC on Nov. 17, 2020.
2020 NEC update

• Electrical work authorized by permits issued on or after Nov. 17, 2020, must comply with the 2020 NEC. Electrical license examinations are based on the requirements of the 2020 NEC beginning Jan. 1, 2021. However, due to concerns regarding the availability of 2-pole GFCI circuit breakers, until further notice, the department is delaying enforcement of the requirements for 250-volt GFCI receptacles and outlet requirements found in NEC 210.8(A) and 210.8(F).

• GFCI circuit breakers may be commercially available, but the COVID-19 pandemic has created major manufacturing and supply-chain challenges, thus limiting the availability of these devices and the ability to complete work and obtain inspections. Section 90.4, of the NEC allows the authority having jurisdiction to refer to the most recent previous edition of the NEC adopted by the jurisdiction when materials are not yet available at the time the Code is adopted.

[Website Link: www.dli.mn.gov/business/electrical-contractors]
Plumbing Code

• 10.26.2020 – Published Dual Notice in State Register
• 11.25.2020 – Comment Period ended
  ▪ Board received no requests for a hearing and 4 comments

Next Steps:
• Prepare and submit non-hearing submissions for ALJ review
• ALJ approval/disapproval – as is, recommendations, modifications
• Administrative steps involving OAH, SOS, Revisor
• Governor's Office review (14-day veto period)
• Notice of Adoption
• Anticipated effective date in late 2021
January 1, 2021 – DLI will assume responsibility in Minneapolis for:

• Elevator construction or alteration permits and inspections including permits issued by Minneapolis prior to 1/1/2021. Contractors will not be required to obtain new permits for these projects.

• Issuance of annual operating permits and periodic inspection for all non-residential elevator devices (4,600 approximately). Elevator inspection staff will also audit annual safety tests conducted/submitted by licensed elevator contractors on elevator devices.
• DLI received permission to create four additional inspector positions for the City of Minneapolis. These positions were advertised throughout MN’s elevator industry – 14 applications were received during the open posting which closed on 12/8.

• Interviews will be conducted in the coming two weeks, with new positions filled/hired in January.

• Annual operating permit renewals for owners of non-residential elevator devices in Minneapolis will be mailed out in March.

• Communications to owners and elevator contractors regarding this change are being sent out by both Minneapolis and DLI.
iMS Permit & Inspection Program Update

- Building & Plumbing Plan Review & permits & inspections were launched in January 2019. Electrical and High-Pressure Piping permits & inspections, along with CCLD’s Enforcement unit, went live in October 2019. Elevator and Boiler permits & inspections, Manufactured Structures, and Combative Sports launched in June 2020.

- CCLD’s field inspection staff record inspection activity on iPads. Inspection reports are instantly emailed to permit holders.

- In the past year, nearly 97% of the 132,000+ permits issued were obtained online.

- In the past year, 78% of building plans and 67% of plumbing plans were online/electronic.
• The department established the Building Official Training (BOT) Grant Program due to concerns that there may not be enough qualified individuals to fill positions within the Building Code enforcement industry.

• The purpose of this Grant Program is to provide funding and training to support professional development of potential new building officials.
Seven Municipalities were awarded Grants up to $65,000 per year with a 2nd year option for commercial code training:

1. Alexandria
2. Brooklyn Park
3. Edina
4. Maple Grove
5. Prior Lake
6. Shakopee
7. Waite Park
Statewide Outreach Campaign – Kelly Cooper

- DLI and vendor sign contract
- Vendor provides creative ad concepts
- Ad(s) are approved and put into production
- Evaluations and Adjustment DLI/homebuilder associations
- DLI meets with vendor
- DLI shares ad concepts with homebuilder associations for feedback
- Campaign Launch DLI and homebuilder associations will collaborate
Don’t let an unlicensed contractor ruin your project.

HIRE LICENSED, PROTECT YOURSELF. Hiring a licensed contractor provides you with very important benefits access to the Contractor Recovery Fund, which reimburses consumers who suffer financial losses as a result of an unlicensed contractor’s misconduct. Visit cs.colorado.gov to learn more about the fund and to verify any contractor you’re considering hiring.

Verify your contractor: www.hirelicensedenver.com or 630.284.5069

Don’t let a poor decision ruin your dream.

HIRE LICENSED CONTRACTORS

Verify your contractor: www.hirelicensedenver.com
Statewide Outreach Campaign – Kelly Cooper

NO LICENSE, NO PROTECTION
PROTECT YOURSELF. HIRE ONLY LICENSED CONTRACTORS.

THE CONTRACTOR RECOVERY FUND
Hiring a licensed contractor provides you with a very important benefit: access to the Contractor Recovery Fund, which reimburses consumers who suffer financial losses as a result of a licensed contractor’s misconduct. Visit us online to learn more about the fund and to verify any contractor you’re considering hiring.

Verify Your Contractor - www.hlvlicensedmn.com or 651.284.5069
No license, no protection. Protect yourself. Hire only licensed contractors.
Statewide Outreach Campaign – Kelly Cooper

If they’ve got no license, you’ve got no protection.

THE MINNESOTA CONTRACT RECOVERY FUND DOES NOT COVER JOBS BY UNLICENSED CONTRACTORS.

Hiring a licensed contractor provides you with a very important benefit access to the Contractor Recovery Fund, which reimburses consumers who suffer financial losses as a result of a licensed contractor’s misconduct. Visit us online to learn more about the Fund and to verify any contractor you’re considering hiring.

PROTECT YOURSELF: HIRE ONLY LICENSED CONTRACTORS:
mlicensedcontractors.com or call 800.657.3944
Outreach Webpage

For workers and the public > Homeowners > Hire only licensed contractors

HIRE ONLY LICENSED CONTRACTORS

Don't let an unlicensed contractor ruin a great project.

Do your research before you hire a contractor:
Three Main Goals:

1. **Check for unlicensed residential building construction activity**
   - Use iMS electrical permit data to identify new home construction sites
   - Review local permitting data
   - Check with local builders, lumberyards
   - Site visits
   - Document findings
2. **Educate Local Code Officials and Consumers**
   - Meet with city, county, township building, planning, zoning, and land use officials and staff
   - Explain RBC licensing requirements
   - Provide instruction on reporting unlicensed activity to DLI
   - Attend home shows
3. Contractor Consultations

- Meet with local homebuilder chapters
- Advise licensed builders on code/licensing questions
- Visit building sites
- Assist, not enforce
- Consult upon request
Wayne Gartland

• Former licensed building contractor
• Certified building official
• Former city inspector
• Senior Investigator since 2007
New Business
Commercial Energy Code & Tag Member Approval – Scott McLellan
Adoption of a new commercial energy code

• The department proposes to begin study of a new commercial energy code, the ASHRAE 90.1-2019 with the goal of preparing it for adoption in 2022. Currently Minnesota is on the 2016 version of ASHRAE.

• To begin this process, the department is proposing a slate of names to participate in a commercial energy code Technical Advisory Group (TAG).
# Proposed Technical Advisory Group Members for Minnesota Rule 1323

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Organization</th>
<th>Representing</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barry Greive</td>
<td>Building Code Specialist</td>
<td>Target Corp.</td>
<td>Building Owners and Operators</td>
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<td>612-761-5519</td>
</tr>
<tr>
<td>Gerhard Guth, AIA</td>
<td>Architect</td>
<td>HGA, AIA Rep</td>
<td>Architectural Design</td>
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<td>612-758-4558</td>
</tr>
<tr>
<td>Julianne Laue, PE</td>
<td>Director of Building Performance</td>
<td>Mortenson</td>
<td>Commercial Construction</td>
<td><a href="mailto:Julianne.Laue@Mortenson.com">Julianne.Laue@Mortenson.com</a></td>
<td>763-287-5749</td>
</tr>
<tr>
<td>Britt McAdamis, CBO</td>
<td>Municipal Building Official</td>
<td>City of Duluth</td>
<td>Plan Review and Code Enforcement</td>
<td><a href="mailto:BMcAdamis@DuluthMN.gov">BMcAdamis@DuluthMN.gov</a></td>
<td>218-730-5158</td>
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<tr>
<td>Greg Metz, AIA</td>
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<td>651-284-5510</td>
</tr>
<tr>
<td>John Smith, PE</td>
<td>Building Systems Engineer</td>
<td>Michaud Cooley Erickson</td>
<td>Engineering Design</td>
<td><a href="mailto:JSmith@MichaudCooley.com">JSmith@MichaudCooley.com</a></td>
<td>612-673-6831</td>
</tr>
</tbody>
</table>
Barry Greive
- Building Regulatory and Strategy Lead, Target Corporation
- 20+ years enforcing the MN Building Code
- Certified MN Building Official along with multiple ICC Certifications
- NFPA and ICC code development process – 2021 ICC Fire Code Committee / 2 active NFPA committees
- Ensures Target constructs and maintains all Target properties in a compliant, uniform, and consistent manner
- Building Efficiency Workgroup member – recommendations regarding energy efficiency to the Governor to ensure State of MN sustainability goals met.

Gerhard Guth
- Architect/specifier/CBO/sustainability advocate – provides guidance and assistance to the design team in development of the Project Manual, incorporating materials, assemblies, and/or energy requirements.
- Addresses code compliance and compatibility with material adjacencies
Julianne Laue:

- 7 years – Director of Building Performance for Mortenson – responsible for executing energy and sustainability initiatives
- Background in mechanical engineering and emphasis on computational modeling; dedicated to the design of low-energy, healthy buildings
- Expertise on holistic solutions to the built environment incorporating climate responsive strategies, HVAC systems and thermal comfort, while integrating the human health and wellness needs of the indoor environment
- Serves on the board for Climate Generation: A Will Steger Legacy, the editorial board for Consulting Specifying Engineer Magazine, and serves as an adjunct professor at the University of Minnesota
- Holds accreditation as a PE, LEED AP BD+C, BEPM, BEAP and is a CSE Magazine 40 Under 40 Award winner.
- Industry tenure – 25 years; Education: Bachelor of Science, Bradley University and Master of Science, Bradley University
Britt McAdamis:
• Chief Building Inspector – City of Duluth since 2016 – MN Certified Building Official/ICC Certified Plans Examiner
• Focused on inspections across all disciplines – Building, HVAC, Plumbing and Electrical
• Large variety of projects – large new commercial buildings and unique historical building projects
• Perspective on enforcing energy code from how compliance is communicated during plan review to compliance verification in the field

Greg Metz:
• 6 years – Construction Codes and Licensing Division (CCLD), Minnesota Department of Labor and Industry
• CCLD Plan Review Unit Supervisor – review and approval of construction projects for public buildings, state owned and state licensed facilities throughout Minnesota
• 31 years experience as commercial architect – 10 years in code enforcement
• Led the Technical Advisory Group (TAG) for adoption of the 2020 Commercial Building Code (IBC)
• Co-led the TAG for adopting the latest Minnesota Conservation Code for Existing Buildings (IEBC)
Ben Rabe:
• Directs Fresh Energy’s built environment program that works to advance policies to improve energy efficiency in buildings including analyzing cost-effective strategies to increase building performance
• Previously managed the Energy Smart Program at the Minnesota Chamber of Commerce to help small businesses take advantage of utility rebate programs in the residential energy efficiency space at the Neighborhood Energy Connection

Chris Rosival:
• 2 years, HVACR Specialist for CCLD, Minnesota Department of Labor and Industry
• Mechanical and energy plan review for State funded and licensed projects, instructing mechanical code classes, and providing mechanical code change continuing education programs
• Minnesota Building Official certificate, Minnesota Master Plumber License, and Certification through ICC as a Mechanical Inspector
• Previously served as Senior Plumbing and Mechanical Inspector for the City of Lakeville for 22 years
John G. Smith:

- Mechanical design and project management for higher education institutions, clean rooms, data centers, laboratories, corporate buildings and retail centers
- Design responsibilities have included heating, ventilation, air conditioning (HVAC), plumbing, process piping and energy modeling
- Lifetime member of ASHRAE and a member of Association of Energy Engineers where he is a Certified Energy Manager (CEM)
- Volunteered on the past three Minnesota Energy Code Committees