



**Present Fire Board of Appeals Board Members (6):**

David Hewett, Chair  
Ron Honn, virtual  
Vince Colarelli  
Mike Riggs, Vice Chair  
Jannic Ekornes  
Laurie Olson

**Industry Represented:**

Small Business  
Citizen At-Large  
Building  
Architecture  
Fire Suppression  
Insurance

**Not Present (0):**

**Industry Represented:**

**Vacant Position (1):**

**Industry Represented:**

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Large Business

**Present Fire Board of Appeals Secretary**

Kris Cooper, Deputy Fire Marshal

**Representing:**

Colorado Springs Fire Department

**Additional Attendee(s):**

Connie Manning, Compliance Coordinator  
Mellisa Wutzke, Administrative Assistant Senior  
Captain Richard Valdez, Deputy Fire Marshal

**Representing:**

Colorado Springs Fire Department  
Colorado Springs Fire Department  
Colorado Springs Fire Department

**CALL TO ORDER**

1. **Board Chair Hewett called the meeting to order at 8:31 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 Ekornes seconded the motion.  
The motion passed unanimously.**

2. **Contractor Licensing**

**A. Fire Alarm Contractor A**

- i. **Business Name:** Lyft Global Corporation  
**Applicant:** Mark Matheis  
**RME:** Mark Matheis

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

**Board Member Ekornes motioned to approve the application.  
Board Member Olson seconded the motion.  
The motion passed unanimously.**

**B. Fire Alarm Contractor B**

- i. Business Name: RK Electrical, LLC  
Applicant: Joshua Donnelly  
RME: Joshua Donnelly

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

**Board Member Ekornes motioned to approve the application.  
Board Member Colarelli seconded the motion.**

Vice Chair Riggs asked about the issue date section of the RME's NICET certification of August 2024 and there is no expiration date.

Mellisa Wutzke, Senior Administrative Assistant, stated she has a copy of the NICET and verified the date on the NICET website, the expiration date is August 1, 2024.

Vice Chair Riggs stated that the expiration date was pushed into the issue date section (erroneously) on the form.

Mellisa Wutzke confirmed that is what happened.

**The motion passed unanimously.**

**C. Fire Suppression Contractor A**

- i. Business Name: Halo Fire Protection, LLC  
Applicant: Richard Hartman  
RME: Lana Pilbin

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.**

- ii. Business Name: Freedom Fire Protection, LLC  
Applicant: Andrew Teebken  
RME: Andrew Teebken

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

**Board Member Ekornes motioned to approve the application.  
Board Member Olson seconded the motion.**

Vice Chair Riggs asked about the NICET expiration date is listed as September 2023.

Mellisa Wutzke, Senior Administrator Assistant, stated RBD is having technical issues when the application is compressed. She does have a verified NICET date of 9/1/26.

**The motion passed unanimously.**

**D. Fire Suppression Contractor B**

- i. Business Name: Pye-Barker Fire & Safety, LLC
- Applicant: Robert Gray
- RME: Brian Kaiser

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

**Vice Chair Riggs motioned to approve the application.**

**Board Member Ekornes seconded the motion.**

**The motion passed unanimously.**

**BUSINESS**

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**NEW BUSINESS**

**1. Fences in the WUI**

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

DFM Cooper provided a history of the reasons for wildfire mitigation in the wildland-urban interface (WUI) and the Colorado Springs Fire Department (CSFD) is a leader in being proactive in wildfire mitigation. After the Waldo Canyon Fire, Appendix K was written. The CSFD studied how homes were impacted by that fire and how they were ignited and what the main issues were. Generally, homes in the WUI are ignited through direct flame contact/radiant heat or embers. It is common for most communities to have six-foot cedar fences surrounding their homes. This was a huge ignition source in the Waldo Canyon Fire, and the fences became a wick from house to house. The National Institute of Standards and Technologies(NIST) did studies and published a 360-page report on fences and their contribution to wildfires. Their study matched what we experienced locally in Colorado Springs. Chip Taylor, Fire Protection Engineer, is doing research and working on proposals for fencing options in our community. The CSFD wants to keep this board informed and educated on the ongoing discussions of this issue. There are challenges because of the state laws that have been passed regarding the adoption of energy codes. The House bill states if a community adopts or modifies a building code, then they have to adopt the state's energy code. The CSFD is trying to figure out what to do with fences and does not want to pass an ordinance that is going to drive additional regulation in our community through the adoption of the energy code. DFM Cooper asked if there were any questions.

Board Member Colarelli asked if the adoption would require those with existing fences to remove them.

DFM Cooper responded he does not think it will go retroactive.

Board Member Colarelli stated there are products to treat a fence to keep it from being combustible to a certain extent. Are there any products being looked at?

DFM Cooper replied that Senior Fire Protection Engineer Chip Taylor is researching topical treatments. This is a difficult thing as it requires maintenance by homeowners. When we did a roofing ordinance in 2002, we did not go retroactive. When appeals have been presented to this board on different products for houses some of the topical treatments become a maintenance issue and it is hard to enforce. However, we are looking at it.

Board Member Colarelli inquired about research on how fences change wind currents.

DFM Cooper stated that NIST has done a study. He has not gotten in-depth on this study, but it is being reviewed.

Vice Chair Riggs stated landowners take fences property and land rights seriously. He is curious about the options that will be put forth. He is not opposed to the separation of a fence from a house. He has had personal experience with this. He is curious if we are looking at a separation distance from the house or if the connection points (from the fence to the house) are a non-combustible material.

DFM Cooper replied that Senior Fire Protection Engineer Taylor is including these issues in his studies. The separational gap between the fence and the home or transition of materials is included in the study. We agree that people are sensitive about their fencing and privacy which is one reason we did not accomplish a change on this in Appendix K. It is becoming more common for neighborhoods to get away from six-foot privacy fences. May open up the discussion on the change of ideals of what people are looking at in a community. There is a lot to consider on this topic.

Vice Chair Riggs stated he knows there is ease of firefighter access with a cedar fence whereas a metal fence can cause more complications, potentially.

DFM Cooper agreed and stated that the CSFD would keep the board posted on this topic.

Chair Hewett stated it was interesting that DFM Cooper brought up the energy code and its issues, He said the state is implementing an energy code that will apply to all buildings over 50,000 square feet and will have significant changes. The city and county of Denver has implemented a more stringent code that applies to anything over 25,000 square feet. He believes that same number will come to the whole state of Colorado within two years for the energy code.

DFM Cooper stated the bill states that all jurisdictions will have to adopt the energy code in 2027. This is just a stay of three or four years. The ramifications have huge impacts and there are concerns about what that looks like and the economic impact. The CSFD is studying this and is being careful about what is done locally so as not to impose restrictions earlier than necessary.

Chair Hewett thanked DFM Cooper and asked if anyone had any questions.

## **2. Request to Amend Language to Appendix K, Section 103.3 of the 2021 IFC Code Adoption**

Board Member Colarelli stated it is appropriate if it has not been touched since 2011, adjustments need to be made.

DFM Valdez stated once they present to all the stakeholders, he will provide a formal presentation to this board.

Board Member Colarelli asked about staffing.

DFM Valdez stated currently they are down one Inspector II position and have interviews next week. Once that is completed, they will have a full staff of six inspectors and one supervisor. They are currently posting for a Senior Fire Code Inspector which posts today and will be open for two weeks. This fulfillment will have them fully staffed on the plan review side and the inspection side by April.

Board Member Colarelli asked if he was getting good candidates.

DFM Valdez stated initially they were not getting good candidates. However, the last posting for the Inspector II position brought more qualified candidates. For the Senior Fire Code Inspector, they will try to advertise nationally.

Board Member Colarelli thanked him and wished him good luck.

DFM Cooper asked for DFM Valdez to explain what CAC is and that the agenda item requests representation from this board at the CAC meetings.

DFM Valdez stated that in the bylaws there are certain positions for the Citizens Advisory Committee. They are looking at the number of representatives on this committee. Fire Marshal Lacey would like a representative from the FBA on the committee. The director, Peter Wysocki, is working on what the number of representatives looks like, but they are looking at a Citizen at Large position. This is not finalized yet. Currently, there are representatives from the industry and HBA representation.

DFM Cooper asked DFM Valdez to provide a better description of what the CAC is, what are the expectations and frequency of the meetings and why the FBA representation is important.

DFM Valdez stated the CAC helps oversee the DRE (Development Review Enterprise) process. They are a representation of the community. They provide feedback on the budget, and they are in support of increasing the fees.

DFM Cooper asked DFM Valdez about the frequency of the meetings.

DFM Valdez stated the meetings are quarterly. They discuss ongoing issues. Currently, it is the fee schedule. They evaluate the staffing, expenses, and the reserve fund. Right now, the reserve fund has 4.8 million dollars, and some representatives think that is too much but if you look at the overall numbers, if the economy dropped, that reserve would last approximately two years to cover staffing.

DFM Cooper thanked DFM Valdez. DFM Cooper explained that one reason the CAC is important is the discussion on the reserve fund in general. In 2008, when there was a drop in the economy, the reserve fund was not sufficient enough to support the DRE and within six months they had to lay off 50% of the staff. They are still recovering from that. It is important to have discussions within the industry and have representation from

DFM Cooper stated at the last meeting there was a discussion on Appendix K, Section 103.3, and how the exceptions apply in terms of the separation of fuels from the building. We had the appeal of the fifteen-foot clearance of vegetation from a structure. One of the exceptions states that the fire code official can grant up to 100 square foot clusters of vegetation within that fifteen foot. Board member Colarelli requested this be looked at as the language is vague. The intent of the exception is if there are natural features or landscaping needed for soil stabilization or if the vegetation could be treated in another manner to make it less of a wildfire risk and if an exception could be given for the smaller clusters. An ordinance proposal to change and put clarifying language within the code is an option, but there could be problems with the energy code as was previously discussed. The CSFD proposes to modify the language in our reference document, "Ignition Resistant Construction Design Manual" which is a commentary for Appendix K. Ashley Whitworth and the mitigation section are working on updating this document. Unfortunately, he does not have updated language to present to the board today. But he wanted to update the board the CSFD intends to update the language in the reference document for better clarity in the interim. In the future, when we do future code adoptions, we can potentially do an administrative ruling or a code update to clarify that language. He wanted to get the board's approval for this approach and hopefully be able to provide the updated language to the board at the next meeting.

Chair Hewett thanked DFM Cooper for the update.

DFM Cooper stated he appreciates the board bringing this to our attention.

**3. FBA representation at quarterly Development Review Enterprise (DRE) Customer Advisory Committee (CAC) meetings**

Presenter: Captain Richard Valdez, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Cooper introduced DFM Valdez

DFM Valdez from Fire Construction Services introduced himself. Fire Construction Services is evaluating its fee schedule. The last evaluation was in 2011. Currently, they are presenting to stakeholders including the FBA, El Paso County Contractors, and the DRE Citizen Advisory Committee (CAC). They are considering a fee increase of 33%, which is covering salary increases. There has not been an increase since 2011 and they have not accounted for pay increases. They want to improve staffing levels and have increased staff to meet the expectation of plan reviews being done within six to eight days and less than a week for inspections. This will help the overall revenue and expenses. Currently, they are running in the red at a significant amount causing them to utilize their reserve fund.

Board Member Colarelli stated that when DFM Valdez's predecessor operated in this position the fees were fine, but now that he (DFM Valdez) is here, they are too low because salaries are high.

DFM Valdez responded that his predecessor, Captain Trudell along with the CAC wanted to draw down the reserves as they thought they were too high. They were comfortable running at a deficit during those three years. Now, in a year and a half since DFM Valdez has been here, they are behind on their salaries and their revenues are not matching their expenses.

individuals that realize the importance of the work that is done and that is why he thinks FM Lacey wants someone from this board to represent the fire industry.

Board Member Colarelli asked if this is an advisory committee to the DRE, not the CSFD.

DFM Cooper replied yes, it is to the DRE or the Development Review Enterprise, but because the funding of Fire Construction Services comes from the enterprise, we have a seat at the table at what the budget looks like and the turnaround time.

Board Member Colarelli asked how many participants are on the advisory committee.

DFM Valdez stated it is about six to eight members. Peter Wysocki wants an odd number in case there is a vote. They do not want too many members as the bigger the committee the harder it is to get everyone together.

Board Member Colarelli asked about it being an advisory committee and it votes.

DFM Valdez confirmed and stated he has not experienced an item being voted on, but Peter Wysocki would like the odd number for voting reasons.

DFM Cooper stated, that per Mellisa Wutzke, there are four to five members. There is staff representation from the CSFD and the planning and zoning departments.

DFM Valdez stated the number he gave is a projection of advisory members.

Board Member Colarelli thanked him.

Chair Hewett thanked him and asked if there was anything further.

DFM Cooper replied that is all that for today.

Board Member Honn volunteered for the position.

Chair Hewett stated volunteerism is accepted.

Chair Hewett asked for a motion to adjourn.

## **ADJOURN**

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

**Meeting adjourned at 9:02 A.M.**

Respectfully submitted by,



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

KC/cm

