



Present Fire Board of Appeals Board Members (8):

- David Hewett, Chair
- Mike Riggs, Vice Chair
- Ron Honn
- Jannic Ekornes
- Eric Moburg
- J Newlin Sharkey
- Kyler Bush
- Lee Tankersly

Not Present (0):

Vacant Position (0):

Present Fire Board of Appeals Secretary

Brett T. Lacy, Fire Marshal

Additional Attendee(s):

- Kris Cooper, Deputy Fire Marshal
- Connie Manning, Compliance Coordinator
- Sarah Dacosta, Administrative Assistant II
- Jeff Hanenberg, Deputy Fire Marshal
- James Trimble, Senior Fire Code Inspector

Industry Represented:

- Small Business
- Architecture
- Citizen At-Large
- Fire Suppression
- Building
- Insurance
- Large Business
- Alternate

Industry Represented:

Industry Represented:

Representing:

Colorado Springs Fire Department

Representing:

- Colorado Springs Fire Department
- Colorado Springs Fire Department
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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**

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

2. **Contractor Licensing**

A. Fire Suppression Contractor A

- i. **Business Name:** Denver Fire Protection, LLC
- Applicant:** Ryan Simms
- RME:** Martin Hoglievina

Fire Marshal Lacey stated applicant meets the requirements and recommended approval.

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

B. Fire Suppression Contractor B

- i. **Business Name:** ETC Systems, Inc.
- Applicant:** Michael McNierney
- RME:** Michael McNierney

Fire Marshal Lacey stated applicant meets the requirements and recommended approval.

Board Member Honn motioned to approve the application.
Board Member Bush seconded the motion.
The motion passed unanimously.

C. Fire Suppression Contractor H

- i. **Business Name:** Olson Plumbing and Heating Company
- Applicant:** Richard Jones
- RME:** Richard Jones

Fire Marshal Lacey stated applicant meets the requirements and recommended approval.

Board Member Honn motioned to approve the application.
Board Member Moburg seconded the motion.
The motion passed unanimously.

BUSINESS

1. Development Review Enterprise Advisory Committee Update

Presenter: Jeff Hanenberg, Deputy Fire Marshal, Colorado Springs Fire Department

DFM Jeff Hanenberg introduced himself and provided a background of the former Citizens Advisory Committee (CAC). It was established by ordinance on January 9, 2001, prior to the change to the council mayor form of government in November 2010. City council later clarified that the CAC was no longer a legislative committee and created the Development Review Enterprise Accountability Committee. The role of the Development Review Enterprise Accountability Committee (DREAC) was to advise the mayor, fire department, and planning and neighborhood service department on matters related to business operations, service delivery, and fee structure for the DRE (Development Review Enterprise). The DREAC does not have legislative or quasi-judicial authority. DFM Hanenberg asked if there were any questions.

8:38 a.m. J Newlin Sharkey arrived.

Chair Hewett appreciated the update.

DFM Hanenberg discussed the applications of Board Member Honn and Alternate Board Member Tankersley to the DREAC. He asked the board to consider Board Member Honn's term on the Fire Board of Appeals (FBA) ends in 2024. The FBA is allowed to appoint one member to the DREAC.

Alternate Member Tankersley stated he did not apply, nor did he receive a link to apply once it was determined that Board Member Honn had submitted his application. If he does need to apply, let him know.

DFM Hanenberg apologized and stated that was the information he received from Dan Sexton in the Planning Section.

DFM Hanenberg stated update on interviews for other potential members of the DREAC will happen soon. The anticipated schedule for the meetings will be on a quarterly basis starting in February 2025.

Board Member Honn stated it is best if he steps aside and for Alternate Board Member Tankersley to apply since his term is expiring. Board Member Honn asked if he should contact them (DREAC) directly if there is a (citizen) at large position for him to fill.

DFM Hanenberg responded he will facilitate that communication with the Planning Department.

Alternate Board Member Tankersley stated he will need to know how to move forward and will talk with DFM Hanenberg after the meeting.

FM Lacey added that there was a position years ago to have an FBA member on the former (CAC) committee. For whatever reason, the FBA position was eliminated and the Colorado Springs Fire Department (CSFD) worked hard to re-establish that position. The FBA representation is important because decisions are made concerning fee schedules and the budget out of that enterprise. The CSFD principally does commercial buildings and residential homes within the wildland urban interface (WUI). The zoning part of planning handles all construction throughout the city. They have the ability to extract through their fee schedule more income than what the CSFD can because of the volume. On the other hand, commercial projects are more involved. There is significant amount of fees collected on the CSFD's part. It is important for the FBA member to represent and ensure the desire of the FBA to enforce the (fire)code and uphold life safety. The zoning side is concerned with landscape ordinance, signs and other things. Keep in perspective what the two missions are under the same budget. Discussions in the past have revolved around fees, recommending additional staff and new construction. There is also discussion from existing businesses complaining about certain requirements and maintaining inspections. The representative's position on this committee is important that they hold up the (CSFD) mission. Sometimes other advisory members do not have a good understanding of the overall mission of the CSFD and assimilate the CSFD into the quandary of the development review. The CSFD can issue summons and arrest people for violating the code and this emphasizes the importance of the CSFD representation on the DREAC.

Chair Hewett thanked him for the information.

2. Fire Board of Appeals Process for Appointing New Members

Presenter: Brett T. Lacey, Fire Marshal, Colorado Springs Fire Department

FM Lacey stated that Chair Hewett and Board Member Honn terms are expiring in April 2025. Ayana (Garcia) will call for applications from her office (legislative services) 60 to 90 days before that opening comes. Mr. Tankersley is on deck so to speak, and Chair Hewett could recommend that Alternate Board Member Tankersley be appointed to serve in the appropriate position which would need to be approved by Council Member Risley.

Chair Hewett asked if there is an action that needs to be taken today.

FM Lacey does not think an action needs to be taken today, but Chair Hewett could take a vote from the board to make a recommendation that Mr. Tankersley fulfill the appropriate seat.

Chair Hewett asked for clarification of what the motion is.

FM Lacey replied that it could be asked if everyone (on the board) is supportive of Mr. Tankersley filling one of the vacated positions in April.

Chair Hewett stated he did not realize that this was a necessity of the board.

FM Lacey stated that Ayana recommended that the board chair make a recommendation. FM Lacey thought that it may benefit the chair to have a conversation with the board.

Chair Hewett asked Alternate Board Member Tankersley if had a concern or preference on seat that he fills.

Alternate Board Member Tankersley stated he will fill any seat. He also stated It was his understanding that it was going to be presented to city council that a fire alarm installer be a seat on this board instead of just an alternate and he does not know where that landed.

FM Lacey stated that the easiest spot to fill is the small business slot.

Chair Hewett agreed and asked if Alternate Board Member Tankersley is comfortable with that.

FM Lacey stated that the citizen at large position will also be open and Alternate Board Member Tankersley could fill both positions. If the board has a preference to what seat he fills, the board could provide an informed recommendation to Council Member Risley.

Chair Hewett thanked FM Lacey.

FM Lacey stated that starting the process now may help when the positions become open.

Vice Chair Riggs stated that a motion could be specific or vague. The motion would be that the board recommends that Lee Tankersley fill one of the to be vacated positions in April upon their expiration and that a search for an alternate spot and one additional vacated spot be advertised.

Board Member Honn seconded the motion.

Chair Hewett asked FM Lacey if this moves the board in the right direction or is more needed.

FM Lacey stated that the citizen at large position could be filled, there was a discussion about the small business, and Alternate Board Member Tankersley could fill the building contractor position, but that is not open.

Fire Prevention Compliance Coordinator Connie Manning stated that Lee Tankersley's original application qualifies him to fulfill the citizen-at-large or building contractor seat. The building contractor seat is currently filled. If Mr. Tankersley is to fill the small business seat, he will need to provide those credentials to Legislative Services.

FM Lacey offered that depending on the board's recommendation, Council Member Risley may make an administrative call. FM Lacey stated what Vice Chair Riggs

presented will work as well.

Vice Chair Riggs asked if there is a position that has a more typical response than the other. Has it been easier to fill a citizen-at-large position versus a small business (position).

FM Lacey responded that is unknown. Ayana with Legislative Services has been very involved lately and has been finding candidates.

Chair Hewett asked Alternate Board Member Tankersley if he qualifies for the small business seat.

Alternate Board Member Tankersley stated he was not sure of the qualifications to fulfill the small business seat.

Chair Hewett wants to make it easy and put people in the right spot.

FM Lacey's recommendation is that the board make a recommendation to city council and leave it up to city council to make the decision.

Chair Hewett thinks it will be easier to find a citizen-at-large candidate than a small business (candidate).

Vice Chair Riggs stated that the motion could be revised and that gives FM Lacey the next month to run that by and at the January meeting the board can revise as necessary if city council puts up a road block.

Vice Chair Riggs motioned the board recommend that Lee Tankersley fill the small business seat that will be vacated in April 2025.

Board Member Honn seconded the motion.

The motion passed unanimously.

NEW BUSINESS

1. Contractor License Requirements and Processes

Presenter: Sarah Dacosta, Administrative Assistant II, Colorado Springs Fire Department

Sarah Dacosta, Administrative Assistant II, introduced herself and shared a presentation titled " License Types & Qualifications" (supplemental documentation to follow these minutes). She went over the various licenses and requirements.

She began with the Fire Suppression Contractor A license.

Vice Chair Riggs asked about the documentation and work experience that does not show up in the FBA packet. The board members have a level of trust that the proper documentation has been received by Sarah.

Administrative Assistant Dacosta verified that the documentation is not included in the packet. If the board would like to see the documentation, she can have it included in the packet. In the past, it was decided not to provide the documentation because it made the packet thicker.

Vice Chair Riggs replied that he does not want the packet thicker, but what is disconcerting is when an item in the packet says, "item not provided" or it is missing

information. It would be helpful to have something augmented to indicate the item has been received.

Administrative Assistant Dacosta said she can add the information into the summary.

Chair Hewett stated a comment like "held in file" or something to that effect would be helpful.

Vice Chair Riggs said a specific reference would be in project history where the applicant has indicated they do not have any project history. He knows this is due Pikes Peak Regional Building's (PPRBD) system and hopes this could evolve into an easier process.

Administrative Assistant Dacosta replied this is constantly being worked on and understands Vice Chair Riggs concerns.

Administrative Assistant Dacosta continued with her presentation reviewing the process to obtain Fire Suppression Contractor B and Fire Suppression Contractor C licenses. Fire Suppression Contractor C Licenses allows the licensee to work on any portable extinguishers. Senior Fire Inspector James Trimble's team inspects the extinguishers and makes sure the contractor who stamped or tagged the extinguisher is licensed. If they are not licensed, a cease and desist is ordered

Vice Chair Riggs asked if it was a common occurrence to come across unlicensed or expired contractors on portable devices.

James Trimble, Senior Fire Inspector, stated it does happen a fair bit. He keeps track and relays the information to Fire Construction Services and Code Services and Investigations. Cease and desist orders are issued via certified mail or email. If the violator obtains a license through this process, then the cease and desist is revoked. If they proceed to work without the license, then a court summons is issued. He believes this violation occurs once a month.

Vice Chair Riggs stated seeing a stamp you are noting those and back checking or relying on your memory bank.

Sr. Fire Inspector Trimble stated if the inspectors come across a contractor they are not familiar with, they will notify him, and he will research and proceed accordingly.

Administrative Assistant Dacosta continued with her presentation reviewing Fire Suppression Contractor D, M, H licenses and Fire Alarm Contractor A and B licenses.

Board Member Ekornes asked if the PE.(Professional Engineer) has to be in fire protection.

Administrative Assistant Dacosta replied yes.

Board Member Bush asked how long the NICET is good for.

Administrative Assistant Dacosta replied three years.

Board Member Bush asked if an applicant submits a NICET that is active but expires four months from now, is their license only valid for the extent of their NICET.

Administrative Assistant Dacosta replied that she notifies the applicant that they do need to get their license renewed.

Sr. Fire Inspector Trimble stated that if the NICET expires they can still get a license issued. PPRBD keeps track of that NICET and if it expires but the license is within its timeframe that license becomes suspended. At that point, he can issue a cease and desist.

Board Member Bush replied that makes sense.

Chair Hewett asked if there were any other questions and stated that was a very thorough report.

2. Annual Breakfast

Presenter: Brett T. Lacey, Fire Marshal, Colorado Springs Fire Department

FM Lacey stated the annual breakfast to show the CSFD's gratitude to the board will be held on January 10, 2025. It will be at the Garden of the Gods Market and Café starting at 7:00 a.m. and then proceed to the regular (FBA) meeting starting at 8:30 a.m. Connie will send out an invitation and request a rsvp.

3. January Elections

Presenter: Brett T. Lacey, Fire Marshal, Colorado Springs Fire Department

FM Lacey stated that elections will take place at the January meeting and asked the board members to think about who they want in what positions for the upcoming year.

Chair Hewett stated that is a good idea as there are terms expiring as previously discussed.

OTHER

1. Update on the Colorado Wildfire Resiliency Code Board

Presenter: Brett T. Lacey, Fire Marshal, Colorado Springs Fire Department

FM Lacey provided an update on the Colorado Wildfire Resiliency Code Board. They are in the final stretch of creating the finalized document that will be going to the (state) legislature on the WUI code. The board is having difficulty determining the mapping of the WUI in the State of Colorado. The board is in discussions on how to define the boundaries of the WUI. They are trying to improve our situation with regard to the threat of wildfire which is principally from embers and embers can be deposited up to a mile away from a fire. Reduced fuels around the perimeter improves the the risk to the box or house. A NIST (National Institute of Science and Technology) report identified that every home that did ignite, that home generated at least six other homes to burn. If we reduce or stop ignition of homes, and let wildland fire move through, it is low intensity and something we can deal with. At the state wide level, it is a big deal and there is a lot of discussion. There will be a state map created and there will be definition of what the state WUI is. The City of Colorado Springs will have to decide if they want to request a variance from the state code as the city's code is equal to or greater than the state requirement. The state is establishing a minimum WUI code. The state board has been looking at our Appendix K as the principal basis for construction of the state code. There will be some differences to accommodate other regions in the state. There is tremendous loss with insurance within Colorado. The CSFD has a vested interest in addressing the concerns of the insurance industry. If there continues to be a loss of insurance companies to write in the state, you will not be able to buy a home. There are a lot of things at risk. The U.S. Fire Administrator shared a discussion she had with a large insurer and that insurer paid \$1.07 for every \$1.00 they collected in premiums. That is not a business model that is tenable. The insureds need to step up to the plate to

mitigate their risks because the companies cannot continue to make those payouts. FM Lacey is very proud of the work the CSFD has done to help shine a path for the state. Locally we are in a good spot. There will be more details in a couple of months.

Chair Hewett thanked him and agreed the insurance issues are not going to get easier.

Board Member Honn stated that the U.S. Fire Administration recognized the CSFD for Fire Safety as far as firefighters and he was impressed to see that.

FM Lacey thanked him and stated that Chief (Royal) was recognized as the International Fire Chief of the Year; the department has been recognized nationally for the work being done on cancer. The people we have, the community, and the volunteers on the board that support us aid in that. The city did a survey, and the citizens are very happy with the fire service and wildfire mitigation.

DFM Cooper stated that FM Lacey was recently recognized by the Fire Marshal Association of Colorado for a career achievement award.

Board Member Bush inquired if the organization is being proactive with staffing to meet the needs of the upcoming year.

FM Lacey stated the staffing needs for the emergency service side is appropriate. There is a need for additional stations but there is insufficient money within the city to build those stations. The administration is trying to figure out resolutions to that. As the CSFD add stations, people will need to be added. It is taking 2-3 years to build a station. In January of 2024, a ladder truck was ordered in preparation for getting Station 24 built. That will not be delivered until 2028. The chief is consistent in providing information to the mayor and city council about how woefully staffed the Division of the Fire Marshal (DFM) is. The DFM should be inspecting 28,000 businesses per year within the city but are getting to about 4,000 of those businesses per year. It is easier to fund operations and people understand the need for emergency support. It is more difficult to fund for regulatory individuals. We are at a great deficit; the city is in financial straits right now and TABOR continues to be difficult. The city is growing, but the budget is not matching up.

Board Member Bush thanked him.

Chair Hewett asked if there were any other questions.

ADJOURN

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

Meeting adjourned at 9:38 A.M.

Respectfully submitted by,



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

KC/cm