

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **REGIONAL BUILDING COMMISSION MINUTES**

March 28, 2024 – Thursday – 2:00 p.m.

**MEMBERS PRESENT:** Chair Carrie Geitner, El Paso County Commissioner  
Vice Chair Brian Risley, Councilmember, Colorado Springs  
*(Appeared telephonically for part of the meeting; and virtually thereafter)*  
Todd Dixon, Mayor, Green Mountain Falls

**RBD STAFF:** Roger Lovell, Regional Building Official  
Virginia Koulchitzka, Regional Building Attorney  
Jay Eenhuis, Deputy Regional Building Official - Plans  
John Welton, Deputy Regional Building Official – Inspections  
Gina LaCascia, Executive Administrative Assistant

The Regional Building Commission meeting was conducted in a hybrid forum, allowing Commission members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, or virtually through Microsoft Teams live events. Sufficient and timely access to the public to observe the meeting was made available at: <https://www.pprbd.org/Information/Boards>.

### **1. CALL TO ORDER: DETERMINATION OF A QUORUM**

Chair Carrier Geitner called the Regional Building Commission meeting to order at 2:01 p.m.

### **2. CONSIDERATION OF THE FEBRUARY 22, 2024 MEETING MINUTES**

A motion was made by Todd Dixon to **APPROVE** the February 22, 2024 Regional Building Commission Minutes as written; seconded by Chair Carrie Geitner; the motion carried.

### **3. CHANGES/POSTPONEMENTS/NOTICE OF NEXT MEETING**

The next Regional Building Commission meeting date and time: Thursday, April 25, 2024, beginning at 2:00 p.m. The meeting will be conducted in a hybrid forum: in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, and virtually. Sufficient and timely access to the public to observe the meeting will be made available at: <https://www.pprbd.org/Information/Boards>.

### **4. PUBLIC COMMENTS ON ITEMS NOT SCHEDULED ON THE AGENDA**

There were no public comments.

### **5. ADVISORY BOARD REPORT**

Roger Lovell presented the Advisory Board Report for March 20, 2024.

## 6. BUILDING OFFICIAL REPORTS / NON-ACTION ITEMS

### a) Financial Statement through February 29, 2024

Jay Eenhuis presented the Financial Statement for the month of February, 2024; the operating cash balance ended at \$15,221,961 with a cash as a percentage of budget at 71 percent. The revenue for February was \$1,383,367, an increase of 28 percent over February of 2023. The building permit and plan review revenue have increased a combined \$741,821 over the first two months of 2023. Expenditures for the month of February were \$1,435,331, an increase of 2 percent over February, 2023. There have been decreases in salary, benefits, services and training from 2023, but an increase in deferred fleet repairs and maintenance. At 17 percent through the year, revenue is tracking at 16 percent of budget, and expenses are tracking at 15 percent of budget. The net loss for the month of February 2024, was \$51,964, bringing the year-to-date net income to \$144,407.

### b) Building Report through February 29, 2024

John Welton presented the Building Report through February, 2024; single-family home permits increased in February totaling 310, an increase of 87.88 percent from the same time period in February of 2023, with an overall valuation of \$158,961,449, an increase of 137.11 percent over February of 2023. A total of 15 new commercial permits were issued in February, a decrease of 68.75 percent, similar to the February 2019 numbers. Total valuation for commercial permits was \$32,952,490, a decrease of 27.34 percent. The total valuation through February 2024 for all permits was \$615,458,275, an increase of 40.26 percent from February 2023. There were 4 projects in February 2024 with valuations over \$3,000,000; the largest being a new commercial building at \$15,700,000.

### c) Plan Report through February 29, 2024

Jay Eenhuis presented the Plan Report for the month of February 2024; there were 288 single-family plans submitted in February, an increase of 68 percent compared to February of 2023. Year-to-date, single-family plans total 519, an increase of 63 percent compared to the first two months of last year. New commercial and multi-family plans submitted this month totaled 23, a decrease of 21 percent compared to February of 2023. The total number of plans submitted in February was 942, an increase of one percent compared to last February. Year-to-date, the Department has received 1,918 plans, an increase of 7 percent over the same time period of 2023

Plan Review staff logged 3,249 solo reviews in February, a decrease of 9 percent compared to February of 2023. There were 806 walk-through reviews performed, an increase of 30 percent compared to last February. Total reviews performed in February were 4,055, a decrease of 3 percent over the same time last year; with 8,183 reviews performed year-to-date, a decrease of 2 percent.

d) Inspection Report through February 29, 2024

John Welton presented the Inspection Report for the month of February 2024; there were 23,038 inspections performed by 67 fulltime field inspectors with an average daily work load of 21.4 inspections per day, per inspector, with an available amount of time of 18.1 minutes per inspection.

**7. UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

**8. COMMISSIONER REPORT(S) OR COMMENT(S)**

There were no Commissioner Report(s) or Comment(s).

**9. EXECUTIVE SESSION REQUEST**

Pursuant to C.R.S. §§Section 24-6-402(4)(b) and (e)(I), the attorney for Pikes Peak Regional Building Department requested an Executive Session with the Regional Building Commission specific to:

- i. Receiving legal advice from the attorney of Pikes Peak Regional Building Department on specific legal questions regarding the organization of a separate legal entity, closely affiliated with Pikes Peak Regional Building Department as the sole member.
- ii. Determining position relative to matters that may be subject to negotiations; developing strategies for negotiations, and instructing negotiations specific to the matters referenced in sub-section (i) above.

(Virginia V. Koulchitzka, Pikes Peak Regional Building Department Attorney; and Roger N. Lovell, Pikes Peak Regional Building Official)

A motion was made by Todd Dixon to go into an Executive Session at 2:24 p.m.; seconded by Vice Chair Brian Risley; the motion carried unanimously.

A motion was made by Todd Dixon to exit the Executive Session at 3:25 p.m.; seconded by Vice Chair Risley; the motion carried unanimously.

## 10. NEW BUSINESS

- a) Consideration of Resolution 2024-1, authorizing the organization of a separate legal entity, closely affiliated with Pikes Peak Regional Building Department, an intergovernmental facility organized pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, *et seq.*, Colorado Revised Statutes, as amended, as the sole member of the separate legal entity.

Without waiving any attorney-client privilege(s) specific to the executive session, as held, Ms. Koulchitzka advised that since the Regional Building Commission was advised on the matters referenced in Agenda Item 9 above, consideration of Agenda Item 10.a) could be had on public record specific to approval, denial, or continuation thereof. The draft Resolution describes in detail the facts considered, the reasons, and the proposed resolutions. The gist of the consideration, however, is very specific to that certain real property interest the Department will acquire to the Pikes Peak Regional Development Review Center, 2880 International Circle, Colorado Springs, and the ability to take title in the name of a separately organized legal entity for purposes of liability protections and separation of liabilities very similarly to how Pikes Peak Regional Building Department acquired its NE satellite facility, as the sole member of a separately organized legal entity.

A motion was made by Todd Dixon to **APPROVE** Resolution 2024-1; seconded by Vice Chair Risley; the motion carried unanimously. Vice Chair Risley commented on how common these types of considerations and transactions are for purposes of doing business, including, but not limited to governmental operations.

## 11. FUTURE AGENDA ITEM REQUESTS

There were no Future Agenda Item Requests.

## 12. ADJOURNMENT

The Regional Building Commission meeting adjourned at 3:31 p.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official  
RNL/gml

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Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

PPRBD meeting agendas and minutes, as well as archived records, are available free of charge on PPRBD's website at <https://www.pprbd.org/Information/Boards>. Audio copies of the record may be purchased by contacting PPRBD at (719) 327-2989.



**RESOLUTION NO. 2024-1**

**CONSENT RESOLUTION FOR ENTITY ORGANIZATION**

Adopted on the 28<sup>th</sup> day of March, 2024.

AUTHORIZING THE ORGANIZATION OF A SEPARATE LEGAL ENTITY, CLOSELY AFFILIATED WITH PIKES PEAK REGIONAL BUILDING DEPARTMENT, AN INTERGOVERNMENTAL FACILITY ORGANIZED PURSUANT TO ARTICLE XIV, SECTION 18 OF THE COLORADO CONSTITUTION AND SECTION 29-1-201, *ET SEQ.*, COLORADO REVISED STATUTES, AS AMENDED, AS THE SOLE MEMBER OF THE SEPARATE LEGAL ENTITY.

**WHEREAS**, Pikes Peak Regional Building Department is an intergovernmental facility created pursuant to Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-201, *et. seq.*, as amended, with its principal place of business located at 2880 International Circle, Colorado Springs, Colorado 80910. Pikes Peak Regional Building Department operates under both ordinance and resolution, and pursuant to intergovernmental agreements, the last intergovernmental agreement dated October 12, 2004 (“IGA”); and

**WHEREAS**, the Regional Building Commission, as the governing body of Pikes Peak Regional Building Department, by virtue of the IGA, is authorized to acquire any property or any interest in property by purchase; and

**WHEREAS**, Pikes Peak Regional Building Department is a party to that certain Intergovernmental Agreement for the Pikes Peak Regional Development Review Center dated April 15, 2003 (the “RDC IGA”), which together with certain other real estate agreements and documents, including, but not limited to, that certain Lease Purchase Agreement by and between El Paso County Facilities Corporation and El Paso County, Colorado, dated as of December 15, 2012; that certain First Amendment to Sublease Purchase Agreement between El Paso County, Colorado, and Pikes Peak Regional Building Department dated as of December 15, 2012; that certain Sub-Sub Lease Agreement for the Pikes Peak Regional Development Review Center dated June 17, 2004; and that certain First Amendment to Sub-Sub Lease Agreement for the Pikes Peak Regional Development Review Center dated December 20, 2012, result in title to the Pikes Peak Regional Development Review Center being transferred to Pikes Peak Regional Building Department upon retirement of the debt against the Pikes Peak Regional Development Review Center and thereafter transfer of title to agreed-upon allocations among the occupants and users of the Pikes Peak Regional Development Review Center, being Pikes Peak Regional Building Department, El Paso County, Colorado, and the City of Colorado Springs; and

**WHEREAS**, the Regional Building Commission considers it in the best interest of Pikes Peak Regional Building Department to have the option to acquire title in its proportionate share of the Pikes Peak Regional Development Review Center in the name of a separate entity, closely affiliated with Pikes Peak Regional Building Department, as its Member.

**NOW THEREFORE, BE IT RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that the recitals set forth above are incorporated as findings in support of this Resolution.

**BE IT FURTHER RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that the Regional Building Commission hereby approves that a separate legal entity be organized pursuant to the Colorado Limited Liability Company Act and all amendments thereto (the "Act") by Pikes Peak Regional Building Department for the purposes stated herein above to:

(a) to accomplish any lawful business whatsoever, or which shall at any time appear conducive to or expedient for the protection or benefit of the Company and its assets, or the Department and its assets, including, but not limited to acquisition of any property or any interest in property by purchase, lease, option, gift, grant or otherwise; design, construction, installation, repair, alteration or remodel of improvements; management and lease of one or more buildings and structures for use by federal, state or local governments or other organizations, whose purposes are to support such governmental entities, and which are exempt from taxation under Section 115 of the Code; or sale, transfer, conveyance, or lease of any property or grant of easements, licenses or other rights or privileges therein;

(b) to operate, maintain, repair and improve, or to cause to be operated, maintained, repaired and improved, any and all real property and improvements, as well as equipment and personal property, acquired by the Company;

(c) to exercise all other powers, privileges and rights necessary or advisable to carry out the objectives and purposes for which the Company is formed; and the Member and Manager hereby claim for the Company all of the benefits, privileges, rights and powers created, extended or conferred by the provisions of 26 CFR §301.7701-1(a)(3) and (4), 26 CFR §301.7701-3(b)(1)(ii) and all applicable federal laws and laws of the State of Colorado pertaining to government entities, entities formed under local laws and limited liability companies, as the same may be amended from time to time;

(d) to benefit from and be subject to the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, *et. seq.*, of the Colorado Revised Statutes, or the Federal Tort Claims Act, 28 U.S.C. 2671, *et. seq.*, as applicable, as now or hereafter amended; and

(e) to engage in all activities necessary, customary, convenient, or incident to any of the foregoing.

**BE IT FURTHER RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that the separate legal entity to be organized shall not exercise any governmental regulatory or enforcement powers of Pikes Peak Regional Building Department. The subject entity shall be organized and operated exclusively for purposes of lessening the burdens of government and will be excluded from taxation under Section 115 of the Internal



Revenue Code of 1986, as amended (the "Code"), or the corresponding provisions of any future United States Internal Revenue Code.

**BE IT FURTHER RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that the Regional Building Commission hereby delegates the authority granted above to the Regional Building Official, Roger N. Lovell, and the Regional Building Attorney, Virginia V. Koulchitzka, jointly and severally, on whatever terms and conditions the Regional Building Official, Roger N. Lovell, and the Regional Building Attorney, Virginia V. Koulchitzka, jointly and severally, find to be favorable to Pikes Peak Regional Building Department.

**BE IT FURTHER RESOLVED** that the Regional Building Official, Roger N. Lovell, and the Regional Building Attorney, Virginia V. Koulchitzka, who are, individually, jointly and severally, authorized to sign for Pikes Peak Regional Building Department on all necessary documents, as the "Department Authorized Agents", be, and hereby are, authorized, directed and empowered for and in the name of the Regional Building Commission of Pikes Peak Regional Building Department to take all actions, including, but not limited to, the execution, delivery, and acceptance of, on behalf of the Regional Building Commission of Pikes Peak Regional Building Department, any and all documents necessary or appropriate in their judgment to consummate and close the transfer of title of the subject property, including, but not limited to organizational and operating documents for the sole benefit and in the best interest of Pikes Peak Regional Building Department, closing documents, escrow documents, and releases.

**BE IT FURTHER RESOLVED**, that in the event that the Regional Building Official, Roger N. Lovell, and the Regional Building Attorney, Virginia V. Koulchitzka, are absent or unable to act, the Deputy Building Official, Allan J. Eenhuis, shall be authorized to act as the Department Authorized Agent in the place of the Department Authorized Agents.

**BE IT FURTHER RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that all actions (including the execution, delivery, and acceptance of documents) in connection therewith taken to date by the Regional Building Official, Roger N. Lovell, and the Regional Building Attorney, Virginia V. Koulchitzka, are hereby approved, ratified and confirmed in all respects.


**BE IT FURTHER RESOLVED** by the Regional Building Commission of Pikes Peak Regional Building Department that Carrie Geitner, duly elected, qualified member and Chair of the Regional Building Commission, or Brian Risley, duly elected, qualified member and Vice Chair of the Regional Building Commission, be and is hereby appointed and authorized on behalf of the Commission to execute this Resolution.



The above resolutions are now in full force and effect, subject to modification or revocation only by a written instrument executed and delivered by the Regional Building Commission of Pikes Peak Regional Building Department.

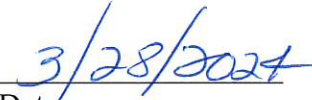
DONE THIS 28<sup>th</sup> day of March, 2024, at Colorado Springs, Colorado.

REGIONAL BUILDING COMMISSION,  
PIKES PEAK REGIONAL BUILDING DEPARTMENT

By:   
Carrie Geitner, Chair

ATTEST:

By:   
Gina LaCascia, Secretary/Executive Administrative  
Assistant to the Commission

  
Date