

# IDAHO BUILDING CODE BOARD VIDEOCONFERENCE MEETING

Tuesday – April 12, 2011 – 9:30 a.m. (MT)

**Division of Building Safety**  
**1090 East Watertower Street, Suite 150, Meridian, Idaho**  
**1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho**  
**2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

Chairman Ron Whitney called the meeting to order at 9:35 a.m. (MT).

## **Board Members Present:**

Ron Whitney, Chairman  
Carol Alexander, Vice Chairman  
Scott Buck  
Michael Arrington  
Chuck Bleth  
Jan Welch  
Andrew Bick  
Mike Tracy  
Bobby Ball

## **DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator, Operations  
Janice Foster, Deputy Administrator, Administration  
Patrick Grace, Deputy Attorney General  
Kirk Weiskircher, Financial Specialist, Principal  
Chris Jensen, Regional Manager, Eastern Idaho  
Rod Freligh, Program Supervisor, Region 1  
Renee Bryant, Administrative Assistant 2/Board Secretary

## **Board Members Absent:**

Dan Hunter

### ◆ **Approval of the April 12, 2011 Agenda**

Andrew Bick requested the topic “Code Change” be added to the Agenda under “New Business” as an informational item.

Patrick Grace explained the negotiated rulemaking process as set forth in Idaho Code (I. C.) §§ 67-5221, 39-4109.

**MOTION:** Mike Tracy made a motion to approve the Agenda with the change. Andrew Bick seconded. All in favor, motion carried.

### ◆ **Approval of the February 8, 2011 Board Meeting Minutes**

**MOTION:** Jan Welch made a motion to approve the Minutes as written. Mike Tracy seconded. Eight eyes, one abstention, motion carried.

### ◆ **Open Forum**

Renovation of Unoccupied Buildings – Stan Gates, building owner, addressed his apprehension to revitalize Pocatello’s downtown area due to codes and exorbitant costs. The primary areas of concern and challenges are ADA compliance and fire sprinklers.

Local jurisdictions have the authority to adopt the existing International Building Code (IBC). The code allows some leeway for when sprinklers need to be added, as well as the level of compliance for accessibility to buildings.

Bobby Ball, Executive Director of the ADA Task Force, provided Mr. Gates with her information and offered to work with Mr. Gates' architect and Pocatello's building officials on the ADA issues.

Idaho Association of Building Officials (IDABO) provides code analysis to any jurisdiction. Questions can be submitted to IDABO's official website at [www.idabo.org](http://www.idabo.org). Carol Alexander is on the Board of Directors and offered her assistance as well.

◆ **Board Compensation**

A handout from the Public Employee Retirement System of Idaho (PERSI) was distributed. Board members are considered employees of the state and are required to participate in the state's retirement system. To avoid a potential conflict between PERSI and their own personal retirement accounts, many boards have changed, in statute, their compensation from salary to honorarium.

**ACTION:** Renee Bryant will e-mail PERSI's handout to board members not in attendance at the Division's Meridian office.

**ACTION:** The topic "Board Compensation" will be added to the June Board Meeting Agenda as an action item.

◆ **Possible Statutory Change in Building Code Act**

To more accurately align the Building Code Board staff with the reorganization of the Division, a statutory amendment would need to be made in I. C. § 39-4115. The new language would maintain the executive director title; referencing the administrator or his designee as the responsible party.

**ACTION:** The topic "Statutory Change in Building Code Act" will be placed on the June 14th Board Meeting Agenda as an action item.

◆ **Legislative Update**

Two rule proposals under the Idaho Building Code Board's purview were reviewed at the 2011 legislature. The first contained modifications to the energy code provisions affecting log homes. The second modified the building permit and plan review fees; establishing a higher hourly fee for plan reviews. Both rules became effective April 4, 2011, upon the adjournment of the legislature.

H0256 – At the request of Chairman Whitney, Steve Keys explained the many challenges the Idaho Plumbing Board had in regards to presenting H0256, proposed new Idaho State Plumbing Code, to the legislature. The bill did not pass the Senate Commerce and Human Resources Committee; therefore, the 2003 UPC remains in effect as the governing base for the plumbing code in the state of Idaho.

H0207a – The bill amends existing law relating to the Idaho Building Code Act; revising provisions related to certain permits. The language essentially repeats what is already in the IBC and exempts those requirements for accessibility upgrades in alterations of buildings. As of today, the code does not affect the Board.

◆ **Deputy Administrator Report**

Agreements/Contracts – DBS continues to build on the agreement with the Coeur d’Alene Tribe in terms of plan reviews and inspections. The Sho-Ban Tribe in eastern Idaho and DBS continue to work towards an agreement to provide the same services currently afforded the Coeur d’Alene Tribe. The Division has a contract with the city of Ketchum to undertake the building inspection duties.

Economic Activity – The majority of the Building fund is generated through the building plan review process. The fund is approximately 10% ahead of where it was this time last year.

State Administrative Agency (SAA) Audit – As HUD’s monitoring contractor under the Federal Manufactured Housing Program, the Institute for Building Technology and Safety (IBTS) maintains all reported certification label applications. DBS is an SAA for HUD; therefore, IBTS is currently auditing/verifying the Division’s performance.

◆ **Administrator Report**

Eastern Idaho Report – Chris Jensen reported the following commercial growth in eastern Idaho: \$21 million Allstate building in Chubbuck, \$47 million hotel/event center and casino in Fort Hall, \$65 million expansion of the Monsanto Chemical Plant in Soda Springs, and 44 new wind towers in the Rockland/American Falls area.

AREVA – A contract is being negotiated for 95,000 square feet of temporary office space. The first phase will be erected and in operation by July 1, 2011. The final phase will be in operation by October 1, 2011.

Southeast Idaho Energy Corporation – The proposed phosphate plant outside American Falls has been put on hold pending financial considerations.

Idaho National Guard – Recently, DBS received the initial plans for plan review on the major expansion of the Idaho National Guard facility south of Boise. The expansion consists of a major maintenance facility, 300 unit barracks, and 400 person mess hall.

Project DOX – Project DOX is an electronically integrated design system used to review plans. BSU’s Architectural and Engineering Services has shown an interest in finding a way to internally collaborate on design plans. DBS has unlimited use of its Project DOX license and has consented to let BSU use/test the system.

Furloughs vs. Layoffs – Kelly Pearce explained the difference between furloughs and layoffs, and why the Division has chosen layoffs. Currently, the Agency has 112 full-time positions; however, additional layoffs will be required.

Building Remodel/Rental – The Department of Labor subleased from DBS 43% of the Meridian office space. Over the next ten years, the Division anticipates a savings of \$1.5 million in rent.

Financial Report – Kirk Weiskircher reviewed the Idaho Building Code Fund Fiscal Year 2011 Financial Statements as of February 28, 2011.

◆ **New Business**

Code Change – Section 903.2.7 of the 2009 IBC states in part, “An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists: ... 4. A Group M occupancy is used for the display and sale of upholstered furniture.”

Due to the vast amount of money required upfront to install fire sprinklers, the above section pre-empts small business owners with any upholstered furniture in their stores the opportunity to operate out of existing buildings. Upon speaking with Dave Ferguson, City of Hailey Building Official, Andrew Bick brought forth the following proposal to modify the existing clause: “... 4. A Group M occupancy is used for the display and sale of upholstered furniture where occupancy is greater than 3,000 square feet.”

Carol Alexander agreed the concept was good; however, the square footage was too high. It was recommended a meeting be held with State Fire Marshal Mark Larson and other fire industry-related individuals to come together with a more comfortable square footage.

**ACTION:** The topic “Code Change-IBC Section 903.2.7” will be brought back to the June 14, 2011 Board meeting as an informational item.

Upon searching the Division’s new website, Andrew Bick could not find where the general public can leave proposals for the Boards and/or DBS staff’s consideration. The Division agreed to provide such a place on the website.

**ACTION:** The Division will provide areas on the website for comments/suggestions.

Zero-Base Budgeting – As a part of the Supreme Court’s negotiation in regard to school construction and expenditures in the State of Idaho, one of the charges given by the legislature was for each school district to develop a ten-year maintenance program. The program was to be updated and a copy provided to the Department of Education (DOE) on a regular basis.

DOE recently determined DBS should be the appropriate facility to be the custodian of records since it performs safety inspections on all Idaho schools. At the close of the 2011 legislature, the Division was given the new responsibility with no additional funding. Upon the formulation of a plan, the Division will bring back the topic “Zero-Base Budgeting” to a future meeting.

**ACTION:** The topic “Zero-Base Budgeting” will be brought to a future Board meeting as an informational item.

◆ **Executive Session**

An Executive Session was not required.

**MOTION:** Chuck Bleth made a motion to adjourn the meeting. Andrew Bick seconded. All in favor, motion carried. The meeting adjourned at 11:15 a.m. (MT).

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RON WHITNEY, CHAIRMAN  
IDAHO BUILDING CODE BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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