



Present Fire Board of Appeals Board Members (5):

Vince Colarelli
David Hewett, Chair
John Putnam, Vice Chair
Mike Riggs
Roger Wallace

Industry Represented:

Building
Small Business
Insurance
Architecture
Fire Suppression

Not Present (2):

David Helmer
Ron Honn

Industry Represented:

Large Business
Citizen At-Large

Present Fire Board of Appeals Secretaries:

Brett Lacey, Fire Marshal
Mark Trudell, Deputy Fire Marshal

Representing:

Colorado Springs Fire Department
Colorado Springs Fire Department

Additional Attendee(s):

John Cherry, Sales Representative
Kris Cooper, Deputy Fire Marshal
Elizabeth Kalla, Citizen
Riley Maroon, Operations Manager
Roland Peterson, Senior Fire Inspector
Katha Snow, Compliance Coordinator
Frederick Stein, Senior Attorney
Wyman Taylor, Fire Protection Engineer
Ashley Whitworth, Acting Program Administrator
Dee Withee, Fire Protection Engineer

Representing:

West Coast Fire Shield
Colorado Springs Fire Department
5110 Neal Ranch Road
Comito Building and Design
Colorado Springs Fire Department
Colorado Springs Fire Department
City of Colorado Springs
Colorado Springs Fire Department
Colorado Springs Fire Department
Colorado Springs Fire Department

CALL TO ORDER

1. Chairperson Hewett called the meeting to order at 8:36 A.M. and promptly conducted a roll call.

ADMINISTRATIVE

1. Annual Election of Chair

Vice Chairman Putnam motioned to reappoint Chairman Hewett as the chair.
Board Member Colarelli seconded the motion.
The motion passed unanimously.

2. Annual Election of Vice-Chair

Board Member Wallace motioned to appoint Board Member Honn as the vice-chair.

Board Member Colarelli seconded the motion.

The motion passed unanimously.

3. Annual Designation of Meeting Notification Posting Location

Board members designated meeting notification posting locations to be on the City Clerk's Office posting board (30 South Nevada Avenue, near Suite 101) and on the coloradosprings.gov website.

4. Approval of Meeting Minutes

Board Member Colarelli motioned to approve the meeting minutes.

Vice Chair Putnam seconded the motion.

The motion passed unanimously.

(See New Business.1)

5. Contractor Licensing

A. Fire Alarm Contractor A

i. Business Name: EA3 LTD, DBA Colorado Springs Alarm

Partner: Roger V. Patterson

Licensee: Roger V. Patterson

RME: Roger V. Patterson

Fire Protection Engineer Withee provided assurance that the documents missing from the application packet are accounted for and verified for accuracy.

Board Member Colarelli motioned to approve the application.

Board Member Wallace seconded the motion.

The motion passed unanimously.

**ii. Business Name: Vyanet Operating Group, Inc.
DBA Integrated Systems**

Officers: Tracey Jones, President

Tammy Jones, Secretary/Treasurer

Licensee: James Lee Arnold

RME: James Lee Arnold

Fire Marshal Lacey stated the applicant meets the *Pikes Peak Regional Building Code* licensing requirements and recommended approval.

Vice Chair Putnam asked where the applicant's proof of general liability insurance is located within the application packet.

After confirming the liability insurance was missing, the item was placed on hold, allowing Fire Protection Engineer Withee to gather the information.

Proof of liability insurance was not available. However, Fire Protection Engineer Withee recommended the board approve the license based on the application packet does include proof of a contractor's license issued

by the City of Brighton. Because Brighton's insurance requirements are identical to ours, approval of the license is okay. Additionally, Fire Protection Withee volunteered to follow-up with Vyanet Operating Group, Inc. DBA Integrated Systems, and require them to provide accurate licensing information to the Pikes Peak Regional Building Department licensing office. Fire Protection Engineer stated her research shows the company has done business under several different "doing business as" names, and they have been licensed here before. However, they have not worked here for a long time and did not keep their licensing current.

Board Member Riggs asked what recourse is there if the license is approved today, and discovery shows the insurance is lapsed or does not meet minimum requirements.

Fire Protection Engineer Withee explained if the insurance requirements are not met, the license will move into an invalid status, and permits will not be approved until the license becomes active.

Vice Chairman Putnam does not recall approving a license after looking at another city's license and in lieu of actual insurance documents. As the insurance subject matter expert, Vice Chairman Putnam does not support approval of a license in the manner recommended and sought suggestions for a provisional approval or postponement.

Fire Prevention Compliance Coordinator Snow recommended denying the license based on the missing general liability insurance. Ms. Snow explained it would be appropriate for the company to petition Fire Marshal Lacey for a temporary license once adequate insurance documents are received, allowing the company to perform work before February's board meeting.

Fire Marshal Lacey explained this situation is highly unusual. Issues involving incomplete application packets should be identified and rectified prior to going on the agenda. Fire Marshal Lacey supports disapproving the license and having staff handle the license up to and including the next meeting.

Board Member Wallace motioned to table the agenda item until proof of insurance is provided.

Vice Chair Putnam seconded the motion.

The motion to deny the license passed unanimously.

6. Appeal

- A. Elizabeth and Paul Kalla, request relief from 2015 IFC K102 Fuels Management Clearance to main structure (Fire Prevention Code and Standards Section K102.1.2) at their place of residence, 5110 Neal Ranch Road.**

Fire Marshal Lacey introduced Elizabeth Kalla's appeal, explaining Colorado Springs Fire Department (CSFD) does not support the request for variance and the proposed solution of applying a fire retardant to the identified trees; therefore, the decision lies before the board.

Fire Protection Engineer Taylor reiterated the timeline listed in the staff summary emphasizing the trees in question were not on the site plans approved by CSFD.

Fire Protection Engineer Taylor explained the proposed solution of applying a fire retardant to the trees is not feasible. The fire department does not have an adequate amount of resources to monitor proper application and timely retreatment of the product. Therefore, the proposed solution is not supported. Fire Protection Engineer Taylor also explained Acting Wildfire Mitigation Program Administrator Whitworth conducted a site visit on December 21, 2020.

Acting Program Administrator Whitworth stated a meeting with Mrs. Kalla to discuss the three trees in question occurred on December 21st. It is Acting Program Administrator Whitworth's recommendation to remove the three trees that lie within 15 feet of the structure and are severely damaged by the recent construction. Character trees were identified as needing trimmed and the vegetation affected by those trees should be thinned and separated from the structure.

Ms. Kalla presented a [video](#) illustrating what the product can do based on the manufacturer's website and introduced West Coast's John Cherry as the subject matter expert available to answer technical questions.

Board Member Colarelli asked Mr. Cherry if the product needs to be applied once a year or after every rain and can the product be visible after application.

Mr. Cherry explained the product is a long-term fire retardant; however, it can be washed out by a heavy rain. Application of the product does darken the look of the vegetation, and a side-by-side comparison of a treated tree versus one untreated would show a difference.

Vice Chair Putnam asked if this is the same material that some contractors put on homes when a wildfire is approaching to prevent the fire from being as bad and has the product been tried in the Colorado environment.

Mr. Cherry explained the products applied directly to houses are similar, but different. The materials applied to houses, creates a chemical bond, like a paint, that lasts a lot longer. However, it does work in a similar action. The product has been used in Colorado. The company had a warehouse and an operation in Colorado in 2004.

In reference to Board Member Colarelli's question about the visual confirmation of the application, Board Member Riggs asked if you can visually tell if the product is no longer effective, indicating reapplication of the product is necessary. In addition, what is the longevity of the effectiveness of the applied material when it is not affected by rain or the elements? Does the resistance behavior change over time?

Mr. Cherry stated the product definitely diminishes overtime. It is water based, and as water washes over the material, the tree will go back to its normal color. The company does not have the data over several years, but generally, the product maintains its resistance for up to two years when there is no exposure to rain.

Board Member Wallace asked if a heavy wet snow would affect the longevity of the product.

Mr. Cherry stated snow would affect the material, but not as much as rain.

Chairman Hewett asked if the application is primarily to the trunk of the tree or over it entirely.

Mr. Cherry stated, to protect the tree from flying embers, you would want to apply the material to the entire tree.

Vice Chair Putnam asked if the product is state-of-the-art or wishful thinking and stated we are coming off the worst wildfire season in this country.

Mr. Cherry explained the material is a long-term solution. When applied every year it lowers risks and works very well with mitigation.

Chairman Hewett asked for the property's size and vegetative density.

Mrs. Kalla explained the property is 3/10 of an acre with lots of pine trees. The trees identified as character trees are more of a concern than the three trees in question. Mrs. Kalla will monitor color changes in the product and reapply in order to keep her property safe.

Mr. Colarelli stated the applicant's submitted drawings show there was a fire protection system for the house at one time, and it changed as a result of a fire department review. What prompted the change? Also, in the review of the drawings, what was proposed, submitted, and approved shows a fill area and a concrete driveway where these trees exist. What was the cause for moving away from what was approved? (Page 71 of the agenda packet.)

Mrs. Kalla stated the drawings were done and submitted to the city by the builder. The initial drawing placed the driveway area on a hill. There was no physical way to actually build the driveway as shown in the drawing. A fire mitigation system was never discussed with Mrs. Kalla; therefore, she cannot provide an answer.

Mr. Colarelli identified a retaining wall in the drawing and asked if it was installed.

Mrs. Kalla said the retaining wall was not installed. The whole hillside was physically rebuilt. Huge amounts of granite was removed and replaced with dirt and boulders to create the man-made hill, creating a solid foundation. (Referenced photos.)

Board Member Colarelli appreciated the amount of work that went into the project. It is clear that what was presented in the drawing to the city did not get built. Therefore, it is understandable why the fire department did not identify an issue. The department would not presume trees would be located where the drawing indicates a driveway and fillzone. It is surprising that the city did not challenge the changes on their final review.

Vice Chair Putnam motioned to reject the appeal to retain the trees and the annual application of fire retardent at 5110 Neal Ranch Road.

Board Member Wallace seconded the motion.

The motion passed unanimously.

(Audio supporting each members' voting position is captured and electronically saved.)

Chairman Hewett thanked Mrs. Kalla for her participation in this important process.

Mrs. Kalla requested the support of “you guys” when her porch starts to slide down on the preservation area and to help them out financially. Mrs. Kalla asked who is going to take responsibility if something bad happens.

Chairman Hewett understands why that is a concern of Mrs. Kalla’s. However, that responsibility lies with the owner. The city and the board are working hard to enforce regulations.

(Fire Marshal Lacey left this meeting at 9:37 A.M., at which time Deputy Fire Marshal Trudell assumed the role of secretary to the board.)

B. Comito Building and Design Construction Operations Manager Riley Maroon requests relief from Appendix K of the adopted fire code (Fire Prevention Code and Standards Section K104.1, #2) at the 3650 Outback Vista Point project.

Deputy Fire Marshal Trudell asked Senior Fire Inspector Peterson to introduce the appeal.

Senior Fire Inspector Peterson explained the appeal is specific to Appendix K, section 104, for relief of hardened structure requirements. The appellant would like to use a spruce tongue and groove material coated with Lumbergard. Fire Inspector Peterson reviewed the timeline listed in the staff summary.

Deputy Fire Marshal Trudell added that the proposed variance and solutions were approved administratively and by the board in the past. However, products that meet the intent of Appendix K have advanced aesthetically and economically; therefore, the fire department no longer supports the proposed solution.

Fire Inspector Peterson referenced examples in the agenda packet, showing the different textures, shades, and applications of the James Hardie hardening materials.

Comito Building and Design Operations Manager Riley Maroon thanked the board for hearing the appeal and explained the products discussed by Fire Inspector Peterson do not support the aesthetics of the home’s front entry and the covered patio. All other materials adhere to the code. Mr. Maroon petitions for the board to honor what was approved as recently as six months ago.

The closest trees to the structure are located 20 feet away.

Deputy Fire Marshal Trudell provided caution to the board when explaining we are in a drought comparable to the conditions experienced during the Hamen and Waldo Canyon fire events. It is more important than ever to protect the house to the extent of Appendix K and prevent ember collection in void spaces. He also

explained there are instructions on how to apply stains to products so builders can achieve the level of aesthetics clients expect.

Mr. Maroon and Deputy Fire Marshal Trudell discussed attic space, ventilation, and ember penetration in-depth for approximately fifteen minutes.

Mr. Maroon explained all homes have spray foam insulation that helps eliminate void spaces, adding an extra layer of defense against ember intrusion. In Mr. Maroon's opinion, the new products do not have levels of a real wood look necessary for this home.

**Board Member Colarelli motioned to deny the appeal.
Board Member Wallace seconded the motion.
The motion to deny the appeal passed unanimously.**

(Audio supporting each members' voting position is captured and electronically saved.)

BUSINESS

1. Updates
Presenter: Fire Marshal Brett Lacey
 - A. Burn Restriction Order
The order remains in place and is reviewed weekly at a minimum.
 - B. COVID-19
Case numbers are increased.

PRESENTATION

1. Colorado Springs Fire Department Wildfire Mitigation Section
Presenter: Ashley Whitworth, Acting Wildfire Mitigation Program Administrator

Acting Wildfire Mitigation Program Administrator presented on the Colorado Springs Fire Department Wildfire Mitigation section.

Board Member Wallace encourages all new board members have access to the presentation.

NEW BUSINESS

1. Board Member Colarelli praised the Colorado Springs Fire Department Construction Services section for the exceptional service he and his clients receive, most specifically

during the last couple of weeks. Chip Taylor, Dee Withee, and Mark Trudell were explicitly commended and thanked.

Board Member Wallace agrees with Board Member Colarelli.

Fire Marshal Lacey expressed gratitude for the positive recognition, emphasizing the unprecedented amount of new construction happening in Colorado Springs and the heavy demands the Construction Services section is managing.

ADJOURN

**Board Member Wallace motioned for the meeting to adjourn.
Vice Chair Putnam seconded the motion.
The motion passed unanimously.**

Meeting adjourned at 11:21 A.M.

Respectfully submitted by,

Brett T. Lacey
Fire Marshal and Secretary to Fire Board of Appeals

BTL/ks