

**Teller County Board of Review
December 1, 2010
Meeting Minutes**

Vice Chairman Jared Bischoff called the meeting to order at 2:10 p.m. Those answering roll call were:

- * Jeff Smith
- * Carl Andersen
- * Dave Dernbach
- * Jared Bischoff

Staff: Allan Chamberlin
Chris Brandt
Lynda Morgan

*Voting members

Jared Bischoff appointed Jeff Smith a voting member for today's meeting.

Jared Bischoff stated that the Board of Review meetings are public and anyone wishing to speak must first address the Chairman.

[Note: Due to computer problems, recording to a CD was not possible, so the first part of the meeting was recorded to an audio cassette tape.]

**Review and Approve Minutes
From the November 3, 2010 Meeting**

Jeff Smith moved to approve the minutes of the November 3, 2010 meeting as written. Carl Andersen seconded. Roll call vote, Dave Dernbach abstained all others said yes. The motion carries.

**Request for Building Variance
Request from John & Diana E. Poole at 515 S. West St., permit 10-0818
For a variance on headroom height of existing beams**

Staff informed the Board that the Poole's had withdrawn the variance request as a code compliant alternative was found after further research regarding the situation and with assistance from the Building Department.

**Contractor Licensing
Next Level Development, Inc., dba:
Westmont Construction
Wayne M. Timura
Class A**

Mr. Timura present. Mr. Timura gave a brief overview of his recent work history and building experience, which included but was not limited to the following:

- Over 30 years design experience
- Started in the industry as a laborer and carpentry work
- Obtained a degree in civil engineering – emphasis in geo technical, soils and construction management
- Licensed in five states
- Licensed engineer in Colorado for 12 years
- Currently holds a contractor's license in El Paso County and through the International Code Council
- Completed development and engineering projects on an international level
- Most engineering civil but does some structural as well

Development portion of the Company is through Next Level Development, Inc. and Westmont Construction provides the construction and design portion offering a turnkey package
Has opportunity for a future project in Teller County

The Board reviewed documents submitted by Mr. Timura. There was discussion regarding the Letters of Reference submitted as well as the scope and range of previous work.

Jared Bischoff opened this matter up for public comment. No public comment. Close public comment.

Chris Brandt indicated everything was in order with the State

Jeff Smith moved to grant Next Level Development, Inc. dba: Westmont Construction with Wayne M. Timura as examinee, a Class A License. Carl Andersen seconded. Roll call vote, Jared Bischoff abstained and all others said yes. The motion carries.

At 2:20 p.m. Jared Bischoff called for a five-minute recess. At 2:25 p.m. the meeting reconvened and Chris Brandt explained the reason for the recess was to change the official recording of the meeting from an audio cassette tape to a computer laptop recording device, which was not available for recording at the beginning of the meeting. The remainder of the meeting was recorded on a CD.

Ricon Contracting, LLC
Stephen D. Ritter
Class C

Mr. Ritter present. Mr. Ritter gave a brief overview of his recent work history and building experience, which included but was not limited to the following:

 Holds Class A & B Licenses in various counties in Colorado, which include:
 a Class B License in Park County, Class B in Aurora and Class A in Thornton
 Most commercial type work is with pre-engineered steel buildings and tilt up type construction
 28 years of building experience mostly in residential type work
 Some previous projects include: retail strip mall buildings, structures at the Cherry Creek Golf Course, 8,000 square foot maintenance facility at Buckley Air Force Base, a 4,000 square foot pumping station
 Prior to establishing Ricon Contracting, LLC in 2005, owned Ritter Construction performing mostly residential pop top type remodel work in Denver and Aurora

The Board reviewed documents submitted by Mr. Ritter. There was discussion regarding the Letters of Reference submitted as well as the scope and range of previous work including the remodeling pop top type work.

Jared Bischoff opened this matter up for public comment. No public comment. Close public comment.

Dave Dernbach moved to grant Ricon Contracting, LLC with Stephen D. Ritter as examinee, a Class C License. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

Chard Roofing & Home Improvement
Mark A. Honas

Class C-1

Mr. Honas is not present. Jared Bischoff moved this item to the end of the meeting and moved to the next scheduled agenda item.

Keystone Building & Restoration Donald L. Simon Class C

Mr. Simon is not present. Jared Bischoff moved this item to the end of the meeting and moved to the next scheduled agenda item.

Complaint Against Contractor

A. Master Roofing Co., LLC / C. Bert West III / License 2493D and Waters Construction Co., Inc. / Dean Waters / License 892B: Rick & Kathleen Hobbs / Permit #04-0397 / 115 Trull Rd

Chris Brandt explained the process used in hearing complaints and indicated that as there were two separate contractors involved in the same owner's complaints, they will be heard as one hearing, but with each one being decided separately.

The first portion of the complaint to be heard and decided would be Master Roofing Co., LLC / C. Bert West III / License 2493D. Jeff Smith recused himself from participating in this portion of the complaint, but remained in the room to hear the presentations and evidence, which would also be applicable to the second portion.

Rick and Kathleen Hobbs present. Dean Waters of Waters Construction Co., Inc., present representing Waters Construction Co., Inc. and Master roofing Co., LLC. / C. Bert West III

Al Chamberlin presented the staff report, which included but was not limited to the following:

- The roof was completed in 2005

- Roof showed signs of leaking within the first year of occupancy

- The Contractor should have pulled the appropriate permits and requested the appropriate inspections on repair work he performed in addressing the leaking roof problem, as the work performed was over 100 square feet

- This is not the first occurrence where Master Roofing Co., LLC had performed roofing work without obtaining the appropriate permit and inspections

- The Building Official has addressed this matter with C. Bert West III in the past

It is the Building Department's recommendation that Master Roofing Co., LLC be issued a letter of reprimand composed by the Building Department and placed in the contractor's file for a period of two years. It is also the request of the Building Department that the Board discuss the severity of this issue with the contractor and the possibility of stricter actions if there are future occurrences with the lack of regard for building code requirements and other items in section 107.b of the Teller County Building Code.

Carl Andersen inquired about the code requiring permits for work performed over 100 square feet. Al Chamberlin indicated that it was a policy that was in place when he came on board with Teller County, that technically the Building Code requires permits for all roof repairs, but that the policy is to not require them for work up to 100 square feet.

The Board extensively reviewed pictures submitted by the Hobbs with the original complaint. Mr. Hobbs answered numerous questions from the Board in order to establish a clear understanding of where the leaks had or were occurring and to have a better understanding of the composition of the roof system and assembly. Mr. Hobbs presented additional drawings of the roofline and columns where leaking occurred as it related to the shed roof and stucco components.

Staff provided the roof and foundation plans of the approved set of construction blueprints from when the house was originally built for better clarification of the roof assembly. Further discussion and questions and answers between the Board and the Hobbs' regarding the pictures and plans presented as it related specifically to the repair area of the roof on the north side of the residence.

Mrs. Hobbs read a prepared statement , a copy being presented to the Board, that included but was not limited to the following:

Home was built in 2004
Summer of 2005 leaks were originally noticed on both the north and south sides of the residence
Had to pressure Dean Waters to have Master Roofing Co., LLC come back to repair the leaking areas, which was the first winter season after completion of the residence
No new materials were used to repair the work
The roof continued to leak
Called Dean Waters for two years regarding the leaks but no return calls were received
Reference was made to the September 2009 letter sent to Dean Waters indicating the roof was still leaking and requesting that the repairs be made immediately using new roofing materials
In February of 2010 severe leaking inside the residence was occurring and another plea was made to Dean Waters to have Master Roofing Co., LLC fix the roof.
It was determined that the ice and water shield and sheathing materials were not adhering properly to the plywood
Master Roofing, Co., LLC did sweep off the snow during the winter to avoid damming however, did not return in May to repair the roof as promised
In July workers finally came to start repair work but Bert West indicated that no permit would be pulled unless Dean Waters requested one
No inspections were done on the third repair, when the Hobbs' asked Bert West about inspections he indicated there would be no inspections or permits as this was considered warranty work and permits were not required
Shingles sat on the roof until August
76 bundles were used on the third repair and the same workers did the work on all three repairs
Still don't know if leaks have been fixed – leaks only happen with snowmelt, roof never leaks with rain
Residence is not in compliance
Want resolution to the matter by pulling permits and have inspections performed, take pictures during the process, speak with the workers and see the manufacturer's specifications
Explained in detail how the last repair was performed
Original roof was completed prior to the issuance of the Temporary Certificate of Occupancy

Al Chamberlin presented the Board with copies of the current re-roofing application, which shows the current code requirements. He stated that previous re-roof applications referenced that permits are required for any work over 100 square feet. The Board commented that there should be a review of the roofing codes and forms for better clarity.

Dean Waters representing Waters Construction Co., Inc. and Master Roofing Co., LLC / C. Bert West III stated the following:

The reason no permit was pulled was the work performed was considered warranty work and therefore did not require a permit.
The third repair was the only time water was found to be leaking into the residence

After speaking with the manufacturer of the ice and water shield material it was decided with the third repair the entire roof should be covered with ice and water shield material, as there were problems with adherence of the material on previous repairs to the roof. The non-adherence of the material could be a cause for the 6-8" damming problem up the exterior wall and not certain at this time if the damming extended into the felt paper. There is no metal flashing on the roof. Roof vents and condensation was discussed as a potential part of the contributing factor to the problem.

Jared Bischoff opened this matter up for public comment. No public comment. Close public comment.

The Hobbs' final comments included but were not limited to the following:

There are no soffit vents in the area of the roof that is leaking and perhaps the contractors should research this further.
If the roof leaks again what are we to do and how do we get it fixed in a timely manner?
How can we obtain compliance?
Unable to sell home in its current condition.

Al Chamberlin's final comments included but were not limited to the following:

The desired outcome is always for the parties involved working together to work things out and find closure and resolution rather than filing a complaint.
The lack of soffit vents should be further researched.
Explained how residence is considered non-compliant, even though a certificate of occupancy has been issued.
Section R113 – Violations of the International Residential Building Code was referenced as it relates to this matter.

Al Chamberlin expressed his deep concern about the comments made by Bert West of Master Roofing Co., LLC regarding the integrity of the building inspectors and the negative remarks about the building department in general, which makes for a bad image of the department and lessens the confidence in the department within the building community and if a contractor has concerns regarding the department, an inspector or with quality of the department's work he would hope they would contact him directly to discuss the matter.

Board discussion included but was not limited to the following:

Residence needs to be compliant and how can that be achieved?
Why didn't the Hobbs' push for permits and inspections rather than wait 5 years to take any action?
Soffits, vents and condensation issues should be further researched.
Discussion on the type of license currently held in Teller County by Master Roofing Co., LLC.
Reprimand may be too lenient.
Comments made regarding the Building Department are disturbing.

Staff provided Board members with copies of Article II, section 107.b of the Teller County Building Code for consideration in preparing a motion.

Under Article II, Section 107.b Action #4 of the Teller County Building Code, Jared Bischoff moved to have the building department issue a letter of reprimand for failure to obtain the required permits and inspections necessary for the replacement of a roofing assembly in excess of 100 square feet at 115 Trull Road and place it in the contractor file of Master Roofing Co.,

LLC with C. Bert West III as examinee, for a period of two years. There being no second the motion died.

There was a lengthy discussion on consideration of terms and conditions that should be included in a motion regarding this matter.

Under Article II, Section 107.b Action #4 of the Teller County Building Code, Jared Bischoff moved to have the building department issue a letter of reprimand for failure to obtain the required permits and inspections necessary for the replacement of a roofing assembly in excess of 100 square feet at 115 Trull Road and place it in the contractor file of Master Roofing Co., LLC with C. Bert West III as examinee, for a period of two years, and that the contractor or general contractor is required to pull a permit for the work that was done, and obtain a final approval from the Teller County Building Department under that permit. Dave Dernbach seconded. Roll call vote two yes votes and one no vote. The motion carries.

At 4:36 p.m. Jared Bischoff called for a five-minute recess. At 4:45 p.m. the meeting reconvened. Member Dave Dernbach stated he had a scheduling conflict and would have to leave the meeting at this time. Jared Bischoff indicated that as the first portion of the complaint had been heard and voted on, Jeff Smith would be participating in the remainder of the second portion of the hearing.

Due to the lateness of the hour Carl Andersen moved to continue the second portion of the complaint regarding Waters Construction, Co., Inc. / Dean Waters / License 892B: Rick & Hobbs / Permit #04-0397 / 115 Trull Rd to the January 5, 2011 meeting. Jeff Smith seconded. Roll call vote and all said yes.

Contractor Licensing
Chard Roofing & Home Improvement
Mark A. Honas
Class C-1

Mr. Honas is still not present. Carl Andersen moved to continue this item to the January 5, 2011 meeting. Jeff Smith seconded. Roll call vote and all said yes.

Keystone Building & Restoration
Donald L. Simon
Class C

Mr. Simon still not present. Jeff Smith moved to continue this item to the January 5, 2011 meeting. Carl Andersen seconded. Roll call vote and all said yes.

There being no further business the meeting adjourned at 4:48 p.m.