

**Teller County Board of Review
July 11, 2007
Minutes**

Chairman Sonny Strobl called the meeting to order at 2:04. Those answering roll call were:

Jared Bischof
Bert West
Jeff Smith
Sonny Strobl

Staff: Chris Brandt
Allan Chamberlin
Lynda Morgan

Sonny Strobl appointed alternate members Jeff Smith, Bert West and Jared Bischof as voting members for today's meeting.

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

**Review and Approve Minutes
From the June 6, 2007 Meeting**

Bert West moved to approve the minutes as presented. Sonny Strobl seconded. Sonny Strobl and Bert West yes, Jeff Smith and Jared Bischof abstained. Motion carries.

Variance Request

Request from Dave & Gerdy Wyatt at 328 Badger Trail, Variance to Sections R304 & R310 of the International Residential Code relating to a sleeping room.

Dave and Gerdy Wyatt present. Al Chamberlin presented the staff report which included the original permit application the Wyatt's had submitted for the garage/barn along with the letter he sent the Wyatt's citing the various building codes that must be met in order to issue the permit.

The major reasons for the Building Department's recommendation to deny the variance are: a sleeping room in a garage with parking of a Recreational Vehicle without proper separation and means of egress.

Al Chamberlin stated because of those reasons the permit could not be approved, as the Building Department cannot deviate from the code with a lesser standard.

Mr. Wyatt explained that the Recreational Vehicle is stored in the garage/barn only in the winter when no one is there and also that no one sleeps in the Recreation Vehicle when it is in the barn. Mr. Wyatt went on to explain that it was unfeasible to cut a window into the 20 gauge steel garage/barn and that he was concerned that placing a window in the structure would attract vandalism. Mr. Wyatt did state that the structure was unoccupied except in the summer and that the area had been cleared for fire protection.

Sonny Strobl indicated that what was being proposed by the Wyatt's was clear but that the Building Department had also explained clearly what needed to be done in order to be code compliant and that a lesser standard of the code was not an option.

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Board discussion included the following points:

- The structure being proposed on the plans is a dwelling unit per the plan review process.
- Separation must be maintained for fumes, ventilation and flammable components.
- If a vehicle and living space is under one roof it must have the proper separation.
- Option of the new window was to consider placing shutters over the window when unoccupied.
- Cannot deviate to a lesser standard of the code.

Bert West moved to deny the Variance request from Dave and Gerdy Wyatt at 328 Badger Trail, Variance to Sections R304 & R310 of the International Residential Code relating to a sleeping room. Jeff Smith seconded. All yes, motion carries.

Chris Brandt explained the right to appeal process to Mr. Wyatt

Contractor Licenses
Continued item:
Goforth Construction, LLC
Paul Rieck
Class A

Paul Rieck present. It was noted that Mr. Rieck was present at last month's meeting where he presented his work history and experience to the Board but as it was not an agenda item no action could be taken. Staff indicated that the audiotape from last month's meeting was available at today's meeting for anyone who wishes to listen to that portion of the meeting.

Chris Brandt stated everything was in order with the State. Mr. Rieck presented to the Board two more Letters of Reference.

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

It was determined by the Board that all documents and requirements have been met to complete Goforth Construction, LLC's application and request for contractor licensing.

Bert West moved to grant Goforth Construction, LLC with Paul Rieck as examinee, a Conditional one project Class A License. Jeff Smith seconded. All yes, motion carries.

Paradise Builders of Custer County
Larry Schroeder
License #4196C

Sonny Strobl disclosed that in the past he has worked with Mr. Schroeder and has a good working relationship and that it will not influence his decision.

Mr. Schroeder stated his request to be placed on the agenda was to ask the Board if it would be possible to apply for and start a third project under his current conditional 2 projects Class C License. Mr. Schroeder indicated that he has completed his first project and is almost to the framing inspection on this second project. Al Chamberlin stated that the two projects have run well and that

any failed inspections have been corrected in a timely manner and that Mr. Schroeder has a good working relationship with the Building Department as a whole and would not have a problem with a third project being started.

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Jeff Smith moved to allow Paradise Builders of Custer County with Larry Schroeder as examinee, to be able to submit and be issued a third building permit before the second building project is completed. Bert West seconded. All yes, motion carries.

Complaint Against Contractor

A. Alpine Hardscape Specialties / Raymond J. Esquibel / License#4077C: Derek Hoffman / Permit #05-0235 / 10 Highroad Rd., Divide, Co.

Sonny Strobl gave instructions and explained the process on how the hearing would proceed. Those present were petitioner Derek Hoffman and Ray Esquibel, examinee of Alpine Hardscape Specialties.

Al Chamberlin reviewed the staff report including items 1-10 of the report along with the various Engineering Reports addressing building, foundation and structural issues and comments from his site inspection on April 6, 2007. Mr. Chamberlin also noted the deviation from the building plans that was discovered during the site inspection. Mr. Chamberlin recommends a six months suspension of both the MI License #4078MI and the Class C License #4077C issued to Alpine Hardscape Specialties with Ray Esquibel as examinee.

Derek Hoffman's comments included the following:

In August of 2005 a complaint was filed with the Building Department but no action could be taken as all the issues covered in that complaint were of a civil nature. This new complaint addresses specific code issues with the project.

Mr. Hoffman is requesting the maximum penalty and revocation of Alpine Hardscape Specialties Licenses so no one will have to go through what he has had to go through.

Mr. Hoffman reviewed the points in detail of his list dated May 15, 2007 attached to the complaint including but not limited to:

- Abandonment of contract without cause – Mr. Esquibel received funds but did not complete the work.
- Septic fee doubled from the proposed bid submitted.
- Mr. Hoffman stated he did not fire Mr. Esquibel, Mr. Esquibel quit when no more additional funds would be made available to him until the work he had been paid for was completed.
- Mr. Hoffman addressed in detail some of the structural (post and beam) issues and concerns including the comments from site inspections and Engineering reports.
- Mr. Hoffman stated he made a mistake in paying up front for the work as the work has not been completed and liens have been placed on his property for non payment of rental equipment used by Mr. Esquibel.
- No choice was given to him in changing from a crawlspace to a basement.
- In Mr. Hoffman's opinion Mr. Esquibel is not capable of this kind of work.

Mr. Esquibel's comments included the following:

- Mr. Esquibel explained the increase in the septic price was due to the perc rate coming in higher than anticipated and that the system needed to be redesigned to accommodate the higher rate.
- Mr. Esquibel stated he received verbal agreements from Mr. Hoffman to go ahead with changes to both the septic system and crawlspace to basement.
- Mr. Esquibel addressed the foundation (post and beam) construction by indicating the work had not yet been completed and was not ready to be called in for an inspection to be performed.
Floor beams had only been set in place; they had not yet been secured to complete this phase of construction.
Mr. Chamberlin stated it appeared the beams installed were smaller than what the engineered plans called for. Mr. Esquibel stated the correct beam size was installed and presented a copy of a foundation plan prepared by Beebe Engineering Co.
- Mr. Esquibel stated Mr. Hoffman's Finance Company did their own inspection prior to issuance of any draws or payments.
- With regard to changes Mr. Esquibel indicated information and options were provided to Mr. Hoffman to choose and make the decision. Mr. Esquibel stated it was not his place to make the decisions for Mr. Hoffman.
- Mr. Esquibel stated that some of the code violations pointed out would have been taken care of if he had been given the time to complete the work. The inspections were done prior to work being completed and that he had not yet called for the inspections.

Al Chamberlin stated that most of the issues could have been resolved.

Sonny Strobl opened this matter up for public comment.

Ron Burnett of Aspen Homes in Colorado Springs asked to be recognized. Mr. Burnett stated that many of his clients have used Mr. Esquibel and he has never received a complaint. He indicated that there was a meeting between the lender, Mr. Esquibel, Mr. Burnett and Mr. Hoffman to discuss pricing issues and the need for an increase, which Mr. Hoffman agreed to and then denied payment or access to the property. Mr. Burnett indicated that Mr. Esquibel was not given the opportunity to complete the work, get the required inspection and to correct any violations found at the inspection.

Art Uhl was recognized. Mr. Uhl asked if there is a "Pre-Set Up" inspection of manufactured homes prior to setting the home on the foundation. Mr. Chamberlin responded that there is not a "special pre-set" inspection.

Close public comment.

Rebuttal comments from Mr. Hoffman included:

- Foundation needs to be reinstalled.
- Has paid for the set of the home and completion of the basement and the work has not been completed.
- Broke ground on 4/28/05, on 6/21/05 home brought in and set on foundation, it's now August 2007 and the home is still not attached, but Mr. Esquibel has been paid.
- Money was given to Mr. Esquibel to fix exterior damage to the home as it slid off the side of the road during transport up the driveway and needed a crane to place the home back on the driveway.

- Mr. Esquibel has not been on the job since August of 2005.

Rebuttal comments from Mr. Esquibel included:

- Mr. Hoffman was given the information concerning the increase of funds for the septic system.
- Mr. Esquibel feels he did install the proper number and beam size to the current engineer design, which was presented to the Board earlier in the meeting. There was a review of the two differing foundation plans. It was discussed that the proper Change Order procedure with the County pertaining to the new foundation plan was not followed. Upon further review, it was also discussed that there was a discrepancy between the engineer's foundation plan and Oakwood Manufacturer's set – up manual concerning the knee wall, foundation and skirting attachments, which are all safety issues.

Board Discussion included the following items:

The foundation and floor beam issues including the connections and fastening attachments are still unresolved. These are serious safety issues that have been unresolved for two years. These items should have been taken care of in timelier manner especially with regard to stabilizing the home. This shows gross negligence and violation of the building codes and to life, health and safety by the Contractor

Sonny Strobl moved to suspend for six months the contractor's license of Alpine Hardscape Specialties with Ray Esquibel as examinee, license number 4077C and 4078MI, under Section 107.b of the Teller County Building Code, based on the following numbered acts or omissions listed in Section 107.b:

Item number 2, departure from approved plans or specifications without authority from the owner, or the owner's authorized representative and the Building Department.

And item number 3, violations of the Teller County Building Code, including any building-related codes which are adopted by reference, and with the finding that such violations are not trivial imperfections in or omissions from the structure or work to which the code applies and with the finding that the commission of such violations was willful, substantial, reckless, or repeated (of either the same or different violations) and/or that the commission of such violations has caused, or could cause, personal injury, substantial damage to property, or substantial economic harm. Bert West seconded. All yes, motion carries.

Chris Brandt informed Mr. Esquibel of his right to appeal the Board's decision.

B. Alpine Hardscape Specialties/ Raymond J. Esquibel / License#4077C and #4078MI: Teller County Building Department / Permits 06-0151, 06-0259, 07-0024 / Article II, Section 107b. Teller County Building Code

Al Chamberlin presented the staff report that indicated Mr. Esquibel as examinee, had not provided a current State Manufactured Home Installer Certificate to the Building Department in order to satisfy the Teller County licensing requirement for a Class MI license. The Building Department's recommendation is to suspend Alpine Hardscape Specialties License #4078MI for two months pursuant to Article II, Section 107.b, numbers 6 & 8 of the Teller County Building Code.

Mr. Esquibel indicated that he did experience a problem with his State Certification due to Insurance matters but was now in the process of meeting the requirements to reinstate the Certificate.

Sonny Strobl opened the matter up for public comment.

Derek Hoffman was recognized. Mr. Hoffman presented to the Board a current State Division of Housing report listing all Certified Manufactured Home Installers.

The Board recognized Ron Burnett of Aspen Homes. Mr. Burnett stated that when Mr. Esquibel's Bonding and Insurance problems arose Mr. Esquibel did make arrangements for another Certified Installer to take over all of his projects.

Sonny Strobl closed public comment.

Al Chamberlin stated it is the responsibility of the contractor to stay current with all licensing requirements and feels Mr. Esquibel filled out and applied for building permit applications knowing he did not hold a current Certification with the State.

Board discussion included review of the three projects in question and it was determined that the first two projects were during the time Mr. Esquibel was still attempting to resolve the Insurance matter and at the time of the submittals of these projects it is understandable that Mr. Esquibel was still hopeful that there would be no problem in securing the required Insurance required for his State Certification to be able to pursue and complete the projects. It is clear the third project should not have been applied for under Mr. Esquibel's MI License.

Bert West moved to suspend for two months the contractor's license of Alpine Hardscape Specialties, with Ray Esquibel as examinee, license number 4078MI under Section 107.b of the Teller County Building Code, based on the following numbered acts or omissions listed in Section 107.b:

Number six, failure to obtain a proper permit for any work for which a permit is required by virtue of this code.

Number eight, failure to file current certificates of insurance and any other documents as required or requested by this Code, the Board or the building official, and with the finding that the commission of such violations was willful, substantial, reckless, or repeated (of either the same or different violations) and/or that the commission of such violations has caused, or could cause, personal injury, substantial damage to property, or substantial economic harm. The stated suspension is imposed base on such violations together, but would also be imposed for each violation individually, or for any combination of such violations. Jared Bischof seconded. All yes, motion carries.

Mr. Brandt informed Mr. Esquibel of his right to appeal the Board's decision. Mr. Brandt indicated that the suspensions would run concurrently, starting today.

At 4:42 p.m. Sonny Strobl declared a 5-minute recess. At 4:49 the meeting reconvened.

Board Discussion

A. Consider and recommend to the Teller County Board of County Commissioners proposed code changes to Article II Licenses and Registration as a result of House Bill 1078.

Staff presented proposed amendments to Article II Licenses and Registration in order to comply with House Bill 07-1078 enacted by the General Assembly. This legislation has been enacted in an effort to provide a more uniform and streamlined process for contractor licensing throughout the

State. The three major changes to the current code include the name and definition of “contractor”, testing requirements, and issuance of provisional licensing and an established time line for issuing licenses.

Chris Brandt suggested a few changes to the staff’s proposed amendments.

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Best West moved to recommend to the Board of County Commissioners staff’s proposed amendments to Article II Licenses and Registration with Mr. Brandt’s suggested changes. Jeff Smith seconded. All yes, motion carries.

B. Discussion on Supplier/Vendor produced framing plans

One of the regular Board members absent from today’s meeting requested this agenda item and the Board asked staff to bring this back at a later date.

C. Discussion on the proposed adoption of the 2003 International Fire Code to the Teller County Building Code

Al Chamberlin informed the Board the he has been working with the new Fire Chief and several Fire Department staff members and had hoped they would be present at today’s meeting, but as they are not there is nothing to report. The Board asked that staff bring this agenda item back at a later date.

D. Discussion on proposed changes to the following sections of the Teller County Building Code: Article II, Sections 105n. Alternative Energy Installation Contractor, 107b.1-10 Action, 108, Reinstatement, Article III R303.8 Required Heating, R401.2.1 Engineering

As several regular members are absent from today’s meeting, the Board asked that staff bring this agenda item back at next month’s meeting scheduled for September 12, 2007.

E. Discussion on Section R905.2.8.4 of the International Building Code concerning flashing

Staff presented several proposals of amendments to this code section for the Board’s consideration. There was a discussion on proper sequence of application with regard to the process. The Board suggested that the second proposal offered by staff would be the preferred method and asked staff to bring this item back at the scheduled September 12, 2007 meeting for recommendation to the Board of County Commissioners.

Other Items

Art Uhl asked to be recognized by the Board and made comments regarding actions that have been taken by the Board of Review against Contractor Licenses.

There being no further business the meeting was adjourned at 5:26 p.m.

