

**Teller County Board of Review
January 9, 2008
Minutes**

Chairman Sonny Strobl called the meeting to order at 2:08 p.m. Those answering roll call were:

Jared Bischoff
Jeff Smith
Dave Dernbach
Sonny Strobl

Staff: Chris Brandt
Allan Chamberlin
Lynda Morgan

Sonny Strobl appointed Jeff Smith and Jared Bischoff as voting members for today's meeting.

**Approve Posting & Publication Site
For 2008 Board Of Review Public Notices**

Sonny Strobl moved to approve the following 2008 Board of Review posting and publication sites: the Building Department at 540 Manor Court, the Northeast Teller Fire Department at 1010 Evergreen Heights Drive, a local newspaper and the Teller County web site. Jeff Smith seconded. All yes.

Chairman and Vice Chairman Elections

Sonny Strobl moved to elect Bert West as Chairman of the Board of Review for 2008. Dave Dernbach seconded. Chris Brandt commented to the Board that Bert West is currently an alternate member of the Board and for him to serve as Chairman the Board would need to recommend to the Board of County Commissioners that he be moved to a regular Board member status. Roll call on the motion was all no votes. Motion fails.

Sonny Strobl moved to elect Dave Dernbach as Chairman of the Board of Review for 2008. Jeff Smith seconded. All yes.

Jeff Smith moved to elect Sonny Strobl as Vice Chairman of the Board of Review for 2008. Jared Bischoff seconded. All yes.

Dave Dernbach took over as Chairman and requested that Board of Review memberships be a Board Discussion item on the February meeting agenda.

**Review and Approve
Board of Review Meeting Dates for 2008**

Dave Dernbach noted that both the July 4th and Labor Day holidays fall in the first week of July and September respectively and a decision would need to be made on which Wednesday in those months the Board should meet.

Sonny Strobl moved to approve the Board of Review Meeting Dates for 2008 and the first meeting in 2009 as presented by staff with the July Board meeting being held on July 9th and the September Board meeting being held on September 10th. Jeff Smith seconded. All yes.

**Review and Approve Minutes
From the November 7 and December 5, 2007
Meetings**

Jeff Smith moved to approve both the November 7, 2007 and the December 5, 2008 meeting minutes as presented. Jared Bischoff seconded. All yes.

Contractor Licenses
The Deer Creek Corporation
Gary Gressett
Class A/B

Mr. Gressett present. Mr. Gressett gave a brief overview of his work history and building experience, which included the following:

Started business in 1993 in Golden Colorado and various other states west of the Mississippi which includes: Utah, Oregon, California, Nevada, Arizona, New Mexico, Wyoming, South Dakota and Montana - Holds licenses in those states where licensing is required
Currently holds a B-1 License in El Paso and a Class A License in Aurora
Started work in El Paso County working on gas station type projects
Requesting license in Teller County to do some remodeling to the City Market facility

The Board reviewed with Mr. Gressett the scope and range of his most recent projects. Review of the various class licenses Teller County offers and which one, Class A or Class B, for the type work to be done was discussed. Mr. Gressett agreed that a Class B would be adequate under Teller County's Licensing requirements. Mr. Gressett stated his desire for a Class B License, and signed and dated his application to reflect a change in request for Licensing from Class A to a Class B License.

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment.

Jeff Smith moved to grant The Deer Creek Corporation with Gary Gressett as examinee, a Class B License. Jared Bishoff seconded. All yes.

Continued Item:
Young's Manufacturing, Inc.
Mark Young
Class B

Mr. Young not present. Staff indicated that Mr. Young was called away on business and could not appear at the meeting today and presented a letter to the Board from Young Manufacturing, Inc. expressing the application they have applied for is a small building for the Tenderfoot Communication Tower and that this structure is the only structure (and the only type of structure) their company would be constructing in Teller County and there are no other large commercial projects pending or contemplated in Teller County. The Board reviewed the Letters of Reference submitted. It was noted the Insurance Certificates submitted were in order. Chris Brandt stated that currently Young Manufacturing, Inc. was not in good standing with the State as they had not filed their annual report on time and before issuing any license they would need to resolve their standing with the State.

Review of the various class licenses Teller County offers and which one would be most appropriate was discussed for the type of work Young Manufacturing, Inc. would be conducting in Teller County. With the newly submitted letter indicating only one project is anticipated, a Special Limited One Project License appears to be the most appropriate license.

Dave Dernbach opened this matter up for public comment. No comment. Close public comment.

Sonny Strobl moved to grant Young's Manufacturing, Inc. with Mark Young as examinee, a Special Limited Class B License for the Tenderfoot Auxiliary Communication Tower to construct the building described in the building permit application applied for, upon confirmation that the proper documents have been filed with and that their business is in good standing with the State. Jeff Smith seconded. All yes.

Allentown Homes, LLC
Doug Allen
Class C

Mr. Allen present. Mr. Allen gave a brief overview of his work history and building experience, which included the following:

- 1993 graduated with an Aero Space Engineering degree
- Was a sub contractor for Lockheed Martin Spacecraft
- 1999 started designing (Interior & Exterior) and building custom homes - doing 1 to 2 a year
- Was in the Parade of Homes in 2002 and 2005 – showed the Board a brochure of his work
- Built home for the Y.M.C.A. organization
- Has the opportunity to build a week end / vacation home for a client in Lost Canyon in Teller County
- Is currently finishing up a home in the Sunbird area of Colorado Springs
- Has held a Class C License in El Paso County since 2000, also holds Class C in Douglas County
- Understands how critical engineering is with high-end homes
- Hands on with framing on his projects and does the finish carpentry work

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment.

Board discussed scope and range of previous projects and reviewed documents submitted with application.

Sonny Strobl moved to grant Allentown Homes, LLC with Doug Allen as examinee, a Class C License. Jeff Smith seconded. All yes.

Fritz & Rowley Construction
Louis Fritz
Class C

Mr. Fritz not present. Dave Dernbach moved this matter to later in the meeting and went on to the next agenda item.

Woodland Mountain Homes, Inc.
Kyle M. Prewitt
Class C

Mr. Prewitt present. Mr. Prewitt gave a brief overview of his work history and building experience, which included the following:

- Completed a two year apprenticeship construction management program
- Has worked extensively with extreme make-overs
- Has experience in masonry work, carpentry work, site planning, customizing take offs, construction Documentation and contracts

Experience in Real Estate appraisal work
Built an 1800 square foot home in Teller County
Has experience in planning golf courses
Worked on duplex in Forest Edge
Hopes in future to do custom homes
Commercial experience includes framing and carpentry trim work
Has overseen projects from beginning to end with Keller/Williams
Knows office end of construction very well

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment. The Board reviewed documents submitted with application.

Chris Brandt indicated everything was in order with the State.

Sonny Strobl moved to grant Woodland Mountain Homes, Inc. with Kyle M. Prewitt was examinee, a Class C License. Jeff Smith seconded. All yes.

**Sparks Industries
Kristopher Sparks
Class C**

Staff indicated Mr. Sparks withdrew his application. Dave Dernbach went on to the next agenda item.

**Fire Spaces, LLC
Stephen Loeb
Class C-1**

Mr. Loeb not present. Dave Dernbach called for a 5-minute recess before going on to the next agenda item.

Dave Dernbach reconvened the meeting at 3:04 p.m.

**Compliant Against Contractor
Mike Wells Construction / Mike Wells / License #2113B:
Joyce Martinez / Permit #06-0492 / 2771 Mountain Glenn Court**

Dave Dernbach gave instructions and explained the process on how the hearing would proceed. Present was petitioner Joyce Martinez, contractor Mike Wells not present.

Ms. Martinez's provided an overview of the complaint, which included the following:

Ms. Martinez is acting as a homeowner/builder on the project
Mr. Wells was hired to do the framing of the home
When in November 4- 5 people arrived on site to work and one of the workers ended up with a back injury Ms. Martinez requested a copy of Mr. Wells Workman's Compensation Insurance
Ms. Martinez was concerned that there was not adequate fall protection on the work site
On numerous occasions Mr. Wells stated that Ms. Martinez would get a copy of the Insurance
Mechanics Liens have been placed for non-payment of rental equipment including safety equipment and for services rendered
At the present time there is no roof on the structure and Ms. Martinez has concern for her investment
To date no evidence of Workman's Compensation Insurance has been provided by Mr. Wells

Ms. Martinez contracted Colorado Engineering to examine the existing framing work done by Mr. Wells
Colorado Engineering provided a 21-point list of their findings
Ms. Martinez removed Mr. Wells from the project

At 3:14 p.m. Dave Dernbach called a 5-minute recess to make copies of the Colorado Engineering Report
At 3:21 p.m. the meeting reconvened and copies of the three page engineering report dated December 19th, 2007
along with a two page Teller County Inspection report log of the project and a letter from Ms. Martinez to Mr.
Wells dated November 28, 2007 were distributed to the Board.

At 3:21 p.m. regular Board member John Collins arrived.

It was noted that Mr. Wells is not present and that notification letters of the complaint and today's meeting had
been sent and returned as well as phone calls made with no response.

Al Chamberlin reviewed the staff report submitted indicating he had two separate conversations with Mr. Wells
regarding the Workman Compensation Insurance and on both occasions Mr. Wells stated he had the Certificates
and would get them to him. The Building Department has not received any renewal of Workman's
Compensation Insurance since January 20, 2006 when Mr. Wells signed a Workman's Compensation Waiver.
On a site visit of another project where Mr. Wells was a subcontractor to a general contractor it could not be
verified if anyone was working for Mr. Wells, as Mr. Wells was not the framer of record on the project.
Mr. Chamberlin conducted a site inspection of the project per Ms. Martinez request and stated there were many
code violations because it's not a finished project and he could not post the structure as a Dangerous Building as
it is still under construction on an open permit. Mr. Chamberlin also stated that the inspection results /
comments were provided as a tool for continuing the project and /or for assisting a new framer if one is hired.

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment.

Other comments from Ms. Martinez included:

Sub contractors including the framers should be building to the design / building plans
No roof on structure places a huge risk on her investment
The issue is not payment, it is the workmanship and code compliance
Ms. Martinez did indicate she has been a general contractor since 1992 primarily with Federal
construction contracts

Board Discussion of the Staff Report included the following comments:

With Mr. Wells being removed from the project partway through the framing does relieve him from the
ability and responsibility to finish the project
#3 of the staff report: Lack of Workman's Compensation Insurance appears to be the only code issue.
As Mr. Wells was released from the project framing issues cannot be addressed.
#4 of the staff report: To date Mr. Wells has not produced the requested Insurance
#8 of the staff report: Same as #4

Board Discussion on Action options:

Failure to comply with the code if there are people working for Mr. Wells
Failure to appear today or have a representative appear on his behalf
Length of suspension / no new examinee or new license

Sonny Strobl moved to suspend for sixty (60) days the contractor's license of Mike Wells Construction, Mike Wells examinee, License #2113B under Section 107.b of the Teller County Building Code, and to suspend said contractor's license and suspend the contractor's right to act as an examinee for any other licensed contractor, for the following number acts or omissions listed in Section 107.b:

Item 4: Failure to comply with any lawful order of the building official or of any other authorized representative of the building department pertaining to the administration of the building code and those codes adopted by reference. Mike failed to respond to staff's request for Insurance information and to the complaint filed against him and his company.

Item 8: Failure to file current certificates of insurance and any other documents as required or requested by this Code, by the Board or the building official. Mike has not answered the request of the building department to provide documentation regarding Worker's Comp or his crew's licensing or insurance, and with the finding that the commission of such violations was willful, substantial, reckless, or repeated 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 based on such violations together, but would also be imposed for each violation individually, or for any combination of such violation(s).

Sonny clarified a portion of his motion pertaining to the suspension of the contractor's right to act as an examinee for any other licensed contractor that that would include Mr. Wells himself as well. Dave Dernbach seconded. Two yes votes, two no votes. Motion fails.

At 4:23 p.m. Dave Dernbach called for a 5-minute recess. At 4:25 p.m. the meeting reconvened.

Further Board discussion included the following comments:

No solid evidence has been provided indicating Mr. Wells had employees working for him
Mr. Wells was asked by the Building Official to provide Worker's Compensation Insurance and to date nothing has been provided

Ms. Martinez feels given more time she could produce evidence that Mr. Wells did have people working for him as employees

Failure to provide proper insurance is a serious violation and action should be taken

Jeff Smith moved to take no action against Mike Wells Construction with Mike Wells as examinee, License 2113B. Jared Bischoff seconded. Two yes votes, two no votes. Motion failed.

Sonny Strobl moved to continue this matter to the March 5, 2008 meeting of the Teller County Board of Review. Jeff Smith seconded. All yes.

Dave Dernbach noted that there is no public present for the remainder of the meeting.

Board Discussion

A. Consider and recommend to the Teller County Board of County Commissioners to amend Articles III, IV, V, VI, VII, XII and XV of the Teller County Building Code concerning adopting specific editions of the 2003 International Building Codes

Mr. Chamberlin discussed the matter and various edition issues. As there are various editions in print of the 2003 International Building Codes and from research any changes between the editions are very minor, it is

staff's recommendation to go on a case-by-case basis when a code matter arises resulting from the usage of different code editions.

The Board agrees with staff's recommendation to take each matter on a case-by-case basis. No action will be taken on this agenda item.

Fritz & Rowley Construction
Louis Fritz
Class C

Dave Dernbach returned to the Fritz & Rowley Construction agenda item. Mr. Fritz still not present. Jeff Smith moved to continue this item to the February 6, 2008 Board of Review meeting. Sonny Strobl seconded. All yes.

Fire Spaces, LLC
Stephen Loeb
Class C-1

Mr. Loeb still not present. Jeff Smith moved to continue this item to the February 6, 2008 Board of Review meeting. Sonny Strobl seconded. All yes.

There being no further business the meeting was adjourned at 4:52 p.m.