

**Teller County Board of Review
March 5, 2008
Minutes**

Chairman Dave Dernbach called the meeting to order at 2:03 p.m. Those answering roll call were:

Jared Bischoff
Jeff Smith
Sonny Strobl
Dave Dernbach

Staff: Chris Brandt
Allan Chamberlin
Lynda Morgan

Dave Dernbach appointed Jeff Smith and Jared Bischoff as voting members for today's meeting.

**Review and Approve Minutes
From the February 6, 2008
Meetings**

Sonny Strobl moved to approve the February 6, 2008 meeting minutes as presented. Jared Bischoff seconded. All yes.

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

Request for Variance

Request from Josh Summeril, Permit 07-0277, Variance to headroom on a stairway located at 621 Woodland West Drive

Josh Summeril present. Mr. Summeril reviewed the current situation concerning the headroom issue and the request for variance, which included:

Upon installation of stairway finished height is about 6 feet where the ceiling meets the wall, however due to the 10/12-roof pitch of the rafters the allowable height is reached about 8 inches laterally from the wall.

Moving rafters or structural beams not feasible

No specification or reference in code for sloping roof systems

Diagrams submitted with the Variance Request along with the approved set of building plans were reviewed. The record should reflect that Mr. Summeril left the meeting to obtain a tape measure from his vehicle and returned to the meeting.

Mr. Chamberlin reviewed the staff report, which recommended denial of the request for two reasons:

Possible hazard due to insufficient headroom per code

Not maintaining consistency with the currently adopted building codes

Comments from the building inspector that performed the inspection on December 14, 2007 indicated the rafters could be moved to bring the headroom into compliance with the building code.

There was further discussion on finished floor and ceiling materials and Section 104.10 Modifications of the International Building Code was read into the record.

Dave Dernbach recognized Paul Summeril, brother of Josh who asked the Building Official if an exception could be considered as the stairway leads only to a small loft area. The Building Official responded that an exception could not be considered as the code does not consider stairways and landings as part of the loft area.

Dave Dernbach opened this matter up for public comment. Josh Summeril asked the Board when feasibility is not an option what is the solution. Dave Dernbach responded that only items presented in the packet could be addressed at this time.

Scott Gring of Merritt General Contractors, Inc. was recognized. Mr. Gring informed Mr. Summeril that he could provide names of several engineers that could address and solve the problem.

No further comment. Close public comment.

Further Board discussion included:

- Frame inspection was passed with the comment that the stairway headroom matter would have to be resolved prior to any final inspections and the contractor proceeded with construction at his own risk.
- Consistency of the building code needs to be considered
- Life safety and degree of non-compliance too great to consider granting a variance

Sonny Strobl moved to deny the request from Josh Summeril, Permit 07-0277, variance to headroom on a stairway at 621 Woodland West Drive. Jeff Smith seconded. All yes.

Contractor Licenses

M C Inc.

Raymond McDougle

Class A/B

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

- Moved from San Diego to Colorado to start up a business in the region
- Has extensive work with several major developers working as a Director of Field Operations overseeing all phases of construction and permitting process for single family and multi family Type V homes
- Has experience with Land Developers supervising site development and master plan development for Senior Living facilities
- Prior to working with developers and being in the field; started as a cabinet maker and worked up to working for several General Contractors

The Board reviewed with Mr. McDougle the scope and range of all his past projects both residential and commercial. 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 in comparison with the Contractor License he currently holds with Pikes Peak Regional Building Department (A L1 1A or B/YR). Scot Gring of Merritt General Contractor, Inc. was recognized and explained licensing parameters of Pikes Peak Regional Building Department pertaining to the various Class Licenses they offer.

Mr. McDougle agreed that a Class B would be adequate under Teller County's Licensing requirements. Mr. McDougle 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 M C Inc. with Raymond McDougle as examinee, a Class B License upon receipt of a Workman's Compensation Insurance Certification reflecting a 30-day cancellation notice. Sonny Strobl seconded. All yes.

Merritt General Contractors, Inc. License 4209B

Scot Gring

Upgrade from Class B to Class A

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

Been working in the Front Range for 31 years

Past projects include: Remodel of Ambulance facility in Teller County and the new facility in Florissant, Rampart Surveying new facility, 10,000 square foot Iron Clad office building for Cripple Creek & Victor Mining, 30,000 square foot fully sprinkled Church, 24 hour fitness, pool and child care facility, portions of UCSS campus.

Presented Board with Letters of Reference and a Company Brochure

Currently on the Fire Review Board in El Paso County

Holds Class A Licenses in Douglas, Park, and El Paso Counties

Has opportunity for basement finish project in Teller County for the Christian Church

Holds weekly meetings with sub contractors and project managers

The Board reviewed the documents submitted. The Description of Operations on the Insurance Certificates needs to be completed.

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

Sonny Strobl moved to upgrade Merritt General Contractors, Inc. License 4209B, with Scot Gring as examinee to a Class A License upon receipt of Insurance Certificates with completed Description of Operations. Jeff Smith seconded. All yes.

At 3:50 p.m. Dave Dernbach called for a 5-minute recess before going on to the next agenda item.

Dave Dernbach reconvened the meeting at 4:04 p.m.

Continued Item:

Compliant Against Contractor

Mike Wells Construction / Mike Wells / License #2113B:

Joyce Martinez / Permit #06-0492 / 2771 Mountain Glenn Court

Dave Dernbach explained that this agenda item is concerning whether Mr. Wells had employees working on Ms. Martinez's project without the proper Workman's Compensation Insurance in place or if the people working were licensed sub contractors working for Mr. Wells. This item had been continued from the January 9, 2008 meeting and that the matter was continued in order for Ms. Martinez to be able to provide evidence that Mr. Wells did have people working for him as employees.

Present was petitioner Joyce Martinez, contractor Mike Wells not present. It should be noted that the same four Board members that were present and heard the complaint in January are present for today's meeting.

Ms. Martinez referenced that a change of sub-contractor form was submitted to the Building Department on June 26, 2007 adding Mike Wells Construction to the project as the framer of record. No reference was made at that time to indicate that other (tiered) sub contractors were to be used by Mike Wells Construction on her project.

Ms. Martinez presented copies of delivery receipts for framing materials that appeared to be signed by people other than Mike Wells. Ms. Martinez stated the names of workers on site with Mr. Wells that she was aware of as: Sonny Brown, Bert, Thomas and Billy. Staff indicated there was no record of a current Teller County Contractor License issued to a Sonny Brown.

Ms. Martinez explained that workers called orders in directly to the vendor when materials were needed and then the vendor would call Ms. Martinez for authorization. Workers other than Mr. Wells called in these orders.

Mr. Chamberlin commented that a house of this size would require more than one worker to frame the house whether it is sub contractors or employees.

Ms Martinez stated that to date only General Liability and Builder's Risk Insurance had been received from Mr. Wells but no Workman's Compensation Insurance. Ms. Martinez also stated she spoke with the Insurance Carrier of the General Liability policy and they confirmed that there was no Workman's Compensation policy issued to Mike Wells Construction.

Ms. Martinez played into the record a phone message left on her cellular phone from Mike Wells on November 27, 2007 at 9:25 a.m. indicating that he was working on getting the Workman's Compensation Insurance issued and a copy to her. Confirmation that the message played did record on today's Board of Review meeting audiotape was done.

Board discussion included the following:

With information provided can it be determined that Mr. Wells did in fact have employees working for him on the project site and what if any action could be taken.

The matter of other (tiered) sub contractors is a contractual matter between the two parties and not for the County to address.

Mr. Wells was aware of the problem with the Insurance and he indicated he was working on it but to date no Workman's Compensation Insurance has been presented to the Building Department.

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

Further discussion included:

Has sufficient evidence been presented to clearly demonstrate that workers on site were sub contractors or employees of Mike Wells Construction?

The Building Official had stated he had a conversation with Mr. Wells requesting he produce Workman's Compensation Insurance and was reminded a second time and to date no Workman's Compensation has been received at the Building Department.

Review of the Teller County Building Code concerning a contractor's responsibility / requirement to provide specific levels of Insurance and to keep the policies current with the building department Conditions to types of action to be taken were discussed.

At 5:04 p.m. Dave Dernbach called a 10-minute recess. At 5:10 p.m. everyone had re-assembled and the meeting reconvened.

Jeff Smith moved to suspend for 2 month(s) the contractor's license of Mike Wells Construction, with Mike Wells as examinee, license number 2113B under Section 107.b of the Teller County Building Code, based on the following numbered acts or omissions listed in Section 107.b:

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.

8. 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, and that such suspension period shall terminate at the time Mike Wells Construction provides proof to the Teller County Building Department of the required Workman's Compensation Insurance coverage, either it's own or through others covering the relevant time period. Sonny Strobl seconded. All yes. Motion carries.

Ms. Martinez was advised of the appeal process.

Board Discussion

There is no scheduled board discussion agenda item for today's meeting.

There being no further business the meeting was adjourned at 5:17 p.m.