

**TELLER COUNTY BOARD OF REVIEW
NOVEMBER 7, 2001
MINUTES**

**BOR APPROVED
FILE COPY**

Chairman Dave Dernbach called the meeting to order at 2:04 p.m. Those answering roll were:

Sonny Strobl
Bert West
Jim Heenan
Dave Dernbach

STAFF:

Christopher Brandt
Richard Radeke
Janet Lloyd
Lynda Morgan

Dave Dernbach stated that Sonny Strobl would be a voting member for today's meeting.

**REVIEW AND APPROVE MINUTES FROM
THE OCTOBER 3, 2001 MEETING**

Bert West moved to approve the October 3, 2001 Board of Review minutes. Jim Heenan seconded.
Sonny Strobl abstained from voting. Three yes; motion passes.

Dave Dernbach stated that the Board of Review meetings are public meetings and public comment may be given at the appropriate time and anyone wishing to speak must first address the Chairman. Dave Dernbach stated that the length of time allotted to each person giving public comment will be limited due to the large number of public in attendance for today's meeting.

CONTRACTOR LICENSES

BIRD CONSTRUCTION, (USA) INC. GRANT GIBBS CLASS-A LICENSE

No one is present to represent this item. Dave Dernbach tabled this item until later in the meeting.

CONTINUED: SUN CONSTRUCTION, INC. JERRY CUNNINGHAM CLASS-B LICENSE

Mr. Jerry Cunningham present. Mr. Cunningham stated that he failed to appear at last month's Board of Review meeting due to miscommunication in his office. Mr. Cunningham gave a review of his construction history and experience, and submitted a portfolio of projects that his company has constructed.

Board member Kurt Riggle present at 2:10 p.m., but excused himself from this matter to avoid any appearance of a conflict of interest, and left the room.

Some discussion on the pump station project (permit #01-9653) that Mr. Cunningham is constructing for the City of Woodland Park.

Dave Dernbach reviewed Mr. Cunningham's letters of reference. Bert West stated that he would like to see additional letters of reference that reflect competency/experience in Class-B commercial construction. Chris Brandt reviewed Section 107.h of the Teller County Building Code regarding letters of reference. Mr. Cunningham stated that he would be able to provide additional reference letters.

Some discussion on issuing a 'one project' license to Mr. Cunningham. Mr. Cunningham stated that a one-project license would meet his needs at this time.

Dave Dernbach opened this matter for public comment. No public comments.

Bert West moved to grant Sun Construction, Inc., with Jerry Cunningham as the examinee, a 'One Project' Class-B License to construct the pump station project for the City of Woodland Park, permit #01-9653. Sonny Strobl seconded. Dave Dernbach stated that if Mr. Cunningham obtains another project in Teller County, he would then have to reapply for a license. All yes.

**JET CONSTRUCTION, LLC
JOHN TOTTLEBEN
CLASS-C LICENSE**

Board member Kurt Riggle returned to the meeting at 2:21 p.m. Dave Dernbach stated that Kurt Riggle would be a voting member for today's meeting.

Mr. John Tottleben present. Mr. Tottleben gave a review of his construction history and experience, and a review of the project (permit #U01-9774) he is currently constructing in Teller County.

Dave Dernbach reviewed Mr. Tottleben's letters of reference and explained the process of 'Conditional Licenses' to Mr. Tottleben. Some discussion on the differences in code requirements between El Paso and Teller Counties.

Dave Dernbach opened this matter for public comment. No public comments.

Sonny Strobl moved to grant Jet Construction, LLC, with John Tottleben as the examinee, a Conditional Class-C License for two projects within twelve months. Bert West seconded. All yes.

CONTRACTOR LICENSES CONTINUED:

MORT CONSTRUCTION KEVIN MORT CLASS-B LICENSE

Mr. Kevin Mort present. Janet Lloyd stated that Mr. Mort had taken and failed the Class-B test and has not scheduled a second test with the Building Department.

Mr. Mort gave a review of his construction history and experience. Mr. Mort stated that he plans to construct a commercial remodel project in Woodland Park for Memorial Hospital. Bert West asked Mr. Mort if he would be able to obtain some letters of reference from some of the companies that he stated that he has worked for. Mr. Mort stated that he would be able to obtain the letters of reference.

Dave Dernbach explained the process of 'Conditional Licenses' to Mr. Mort. Dave Dernbach opened this matter for public comment. No public comments.

Bert West moved to grant Mort Construction, with Kevin Mort as the examinee, a Conditional Class-B License for two projects within twelve months, upon passing the Class-B contractors' examination and the receipt of three additional letters of reference that reflect competency/experience in Class-B commercial construction. Jim Heenan seconded. Three no votes (Kurt Riggle, Sonny Strobl, and Dave Dernbach), and two yes votes. Motion does not pass. Sonny Strobl stated that he is concerned with the lack of documentation that reflects experience with the business side of construction for Mr. Mort. Kurt Riggle stated that he would like to see Mr. Mort obtain, and successfully operate under a Class-C License prior to the issuance of a Class-B License. Dave Dernbach stated that he is in agreement with Mr. Strobl and Mr. Riggle.

CONSENT CALENDAR
CONTRACTOR LICENSES

R.W. STOUT CONSTRUCTION COMPANY
ROBERT W. STOUT
CLASS-C LICENSE

Review of the documents submitted by Robert Stout of R.W. Stout Construction Company. Janet Lloyd stated that the Building Department received a copy of Mr. Stout's renewed Class-A El Paso County Contractors' License today.

Dave Dernbach opened this matter for public comment. No public comments.

Jim Heenan moved to grant R.W. Stout Construction Company, with Robert W. Stout as the examinee, a Conditional Class-C License for two projects within twelve months. Bert West seconded. All yes.

FIVE OAKS HOMES
DONALD C. MOORE
CLASS-C LICENSE

Review of the documents submitted by Donald Moore of Five Oaks Homes. Some Discussion on the letters of reference. Several Board members feel that two of the letters do not reflect the experience needed for a Class-C License.

Chris Brandt stated that the full business name for this request is 'Five Oaks Homes Registered Limited Liability Limited Partnership'.

Dave Dernbach opened this matter for public comment. No public comments.

Bert West moved to grant Five Oaks Homes Registered Limited Liability Limited Partnership with Donald C. Moore as the examinee, a Conditional Class-C License for two projects within twelve months, upon the receipt of two additional letters of reference that reflect competency/experience in Class-C construction. Sonny Strobl seconded. All yes.

CONTINUED:
CONSENT CALENDAR
CONTRACTOR LICENSES

NEW WEST HOMES, INC.
JAMES R. WILDER
CLASS-C LICENSE

Review of the documents submitted by James Wilder of New West Homes, Inc. Chris Brandt stated that this company is in good standing with the Secretary of State.

Dave Dernbach opened this matter for public comment. No public comments.

Kurt Riggle moved to grant New West Homes, Inc., with James R. Wilder as the examinee, a Conditional Class-C License for two projects within twelve months. Sonny Strobl seconded. All yes.

The meeting broke for a recess at 3:02 p.m. The meeting reconvened at 3:14 p.m.

CONTRACTOR COMPLAINT

**NORTHSTAR DESIGN & CONSTRUCTION, LLC
BARBARA ROBBINS / LICENSE #2980C-L
3 COMPLAINTS WITHIN 12 MONTHS:
JOHN & ROIANNE HART / PERMIT #00-9087,
RUI HAAGEN / PERMITS #00-9024, #01-9326, & #01-9248,
AND THEODORE & LINDA DURA / PERMIT #99-8577**

Sonny Strobl excused himself from this matter to avoid any appearance of a conflict of interest and left at 3:15 p.m. for the remainder of the meeting.

Dave Dernbach stated to the public in attendance that the Board of Review can only hear building code issues for contractor complaints. Dave Dernbach asked that anyone who is going to speak for this matter, keep their comments to building code issues, and each speaker will be given ten minutes to make their statement.

Mr. John Hart submitted a written statement to the Board that summarizes his complaint items against Barbara Robbins of Northstar Design & Construction. Mr. Hart read his summary.

Mr. Theodore Dura asked why the Board can only hear building code issues. Mr. Brandt reviewed the nine items that the Board can act upon under Section 107.b of the Teller County Building Code, and supplied copies of this section to the public attendees. Mr. Brandt stated that this Board does not have the authority to act upon civil issues.

Dave Dernbach stated that most of Mr. Hart's complaints are not building code matters. Bert West asked if the second item listed under Article II, Section 107.b, of the Teller County Building Code that states, 'Departure from approved plans or specifications without the authority from the owner, or the owner's authorized representative and the Building Department', applies in the Hart's case. Dave Dernbach stated that any departure from the approved plans would have to be identified, and this Board is unable to do so because the approved plans are unavailable.

Mrs. Hart submitted photographs of their septic system for review. Some discussion regarding the septic system. Ric Radeke stated that environmental health complaints/issues would need to be filed with the Teller County Board of Health, but the licensing for septic installation falls under the Teller County Building Code.

Review of the inspection reports for the Hart's property. Dave Dernbach asked staff about the problems with the concrete slab. Ric Radeke stated that concrete is not to be poured on frozen ground. Mrs. Hart stated that they have corrected/resolved the stair issues. Dave Dernbach stated that the

Building Department and this Board can only look at the drawings that are submitted for the permit, and whatever plans and items are made/done prior to the permit is out of their jurisdiction.

Mrs. Rui Haagen present. Mrs. Haagen submitted photographs and documents of her property for review. Mrs. Haagen reviewed her written complaint against Barbara Robbins of Northstar Design & Construction. Mrs. Haagen stated that most of her complaint issues are civil matters, but the code related items are the electrical breaker box, no port-a-potty was available at the job-site, no landing was constructed for the double doors, the front porch steps were not constructed to code, and construction debris was left in the barn.

Dave Dernbach stated that most of Mrs. Haagen's complaints are civil matters, and this Board will only review building code issues that affect life, health, and safety of the building's occupants.

Some discussion regarding the electrical breaker box at Mrs. Haagen's home. Ric Radeke stated that the Building Department staff would need to follow-up on this issue. Some discussion on temporary steps and manufactured home final inspections. Some discussion on Mrs. Haagen's barn and garage.

Mr. Dura present. Mr. Dura stated that most of his complaint items are civil matters also. Mr. Dura stated that his home/project is complete, but the project completion took a lot longer than the timeframe given by Northstar Design & Construction. Mr. Dura stated that no port-a-potty was brought to his property during construction.

Some discussion on the nine items under Section 107.b of the Teller County Building Code that the Board of Review can utilize to reduce, revoke, or suspend a contractors' license.

Mrs. Robbins present. Mr. James Zendejas, Mrs. Robbins' attorney, also present. Mr. Zendejas stated that he would like to have the Board identify just the building code violations for each property/project. Mr. Zendejas stated that Mrs. Haagen has hired an attorney, as well as some other individuals present today. Mr. Zendejas stated that he has letters of intent to file litigation from Mrs. Haagen's lawyer.

Dave Dernbach stated that the code violations for the Hart's property are: Concrete was placed on frozen ground, the septic system violated the Teller County Environmental Health Regulations, the stairs, and the home has not been secured to the foundation. Ric Radeke stated that the stairs and the attachment of the home to the foundation are not issues at this time because the Building Department has not received a request to inspect those items. Ric Radeke stated the requirement for the use of port-a-potties is in the Teller County Environmental Health Regulations.

Mrs. Karen Dudnikov stated that there is a notice posted in the Building Department that states that any changes in the contractors used on a project must be submitted in writing, and Mrs. Robbins has failed to do so. Ric Radeke stated that this not a code requirement but is requested by the Building Department to ensure that contractors can get their inspections and that the permit file/paper work is correct.

Dave Dernbach stated that the code violation on Mrs. Haagen's project is the electrical breaker, and that the violation on Mr. Dura's property, is the absence of a port-a-potty during construction. Bert West stated that the Hart's complaint states that an unlicensed well pump installer was used. Mrs.

Robbins stated that she was unaware that well pump installers had to register their state license with the Building Department.

Ric Radeke clarified the inspections that the Building Department performs on a manufactured home: Footing, foundation, permanent electric service, outside gas line, driveway, and septic system. Mr. Radeke stated that the Building Department inspects all of the basement construction for manufactured homes that are placed on basements. Mr. Radeke stated that the Building Department does not do any inspections inside of the manufactured home, or any portion of the home itself, and manufactured homes are not issued a Certificate of Occupancy by the Building Department because they are not constructed in the County.

Mrs. Robbins stated that the Hart's did not want an engineered septic system and they were given several options for their septic system. The engineer made some changes to the design, which was submitted to the Environmental Health Department. Mrs. Robbins stated that the ground was not frozen when the concrete was poured. The ground was raked and sanded that day prior to the concrete pour. Mrs. Robbins stated that the house was dried-in, the windows and doors were all in, plastic was placed over the windows, and the heat was on in the house. Mrs. Robbins stated that the factory had made some errors on the home, and she was fired from the project prior to completion. Mrs. Robbins stated that the permanent decks were not done because she was fired from the project.

Mrs. Robbins stated that Mrs. Haagen's permanent electrical service inspection passed, permanent steps were installed, and the trenches were backfilled after the soil settled.

Mrs. Robbins stated that she is unsure about the placement of port-a-potties because they are only needed for a short period on the job-sites.

Kurt Riggle asked about the installation of the electrical box at Mrs. Haagen's home. Mrs. Haagen stated that the electrical box on the house was installed after the home had passed its' final inspections. Ric Radeke stated that the electrical box needs to be inspected.

Dave Dernbach opened the meeting for public comment. Mrs. Karen Dudnikov stated that Barbara Robbins has violated Article II, Section 107.b.5 of the Teller County Building Code by falsifying her contractor's application. Mrs. Dudnikov stated that Mrs. Robbins did not list her foreclosure and forced Sheriffs' sale on her contractors' license application. Mrs. Dudnikov submitted a copy of the decree of foreclosure to the Board. Mrs. Dudnikov stated that Mrs. Robbins had been utilizing the business name of 'Northstar Design & Construction, LLC', which did not become a 'LLC' until April 2001. Mrs. Dudnikov stated that the business name 'Northstar Design & Construction, LLC' actually belongs to someone else for a different company and that Mrs. Robbins has been utilizing the name illegally. Mrs. Dudnikov submitted a copy of a filing status from the Colorado Secretary of State for Northstar Design & Construction, LLC, and a copy of a decree of foreclosure and notice of commencement from the Teller County District Court for Donald F. and Barbara A. Wells.

Mr. Hart stated that there was no heat to their modular during the time Mrs. Robbins stated and showed the Board an invoice from the concrete pour dated March 24, 2001, and a copy of the inspection of the propane gas line on April 20, 2001. Mr. Hart stated that they did not have heat until the beginning of May 2001, and that Mrs. Robbins' workers had brought in four inches of sand, which the concrete was

then poured on top of. Mrs. Hart stated that the contractors that did the foundation were not licensed. Mrs. Hart stated that she had checked with the Building Department and Jerry Short of Out West Builders was not licensed as a foundation contractor. Mrs. Hart stated that they had agreed to have their septic system engineered, and Mrs. Robbins had hired an engineer other than the one that she and her husband had chosen. Mrs. Hart stated that engineer that Mrs. Robbins hired, designed a system that the County failed at inspection, and the redesign that the engineer had drawn would have destroyed too much of the property. Mrs. Hart stated that she and her husband had then hired Teller Tech Engineering who designed an above ground septic system.

Mr. Michael Meadors stated that he feels that the hiring of unlicensed sub-contractors is a direct violation of the Building Code.

Mrs. Haagen stated that she visited her property regularly during construction, and had never seen a port-a-potty. Mrs. Haagen stated that an unlicensed sub-contractor may have built her barn, but she would have to look into this to be certain.

Some discussion on Mrs. Haagen's barn. Janet Lloyd stated that the file shows that the barn has passed all of the required inspections.

Mr. Zendejas stated that at the time of Mrs. Robbins application for her Teller County contractor's license, she was not subject to foreclosure or collections because she had no claim to the property with her ex-husband; it was quit-claimed to him and he had failed to pay the property taxes. Mr. Zendejas stated that trade names do not need to be filed with the Secretary of State, and Mrs. Robbins has filed the business name with the Internal Revenue Service. Mr. Zendejas stated that these two items were not intentional misrepresentations by Mrs. Robbins.

Mrs. Robbins stated that the garage was not constructed for Mrs. Haagen because Mrs. Haagen did not have the funds to pay for it. Mrs. Robbins stated that the former lender for Mrs. Haagen's project had advised her to not proceed with any work on the garage because Mrs. Haagen was in foreclosure. Mrs. Robbins stated that the steps, landings, and final grading were done at Mrs. Haagen's property.

The meeting broke for a recess at 4:44 p.m. The meeting reconvened at 4:54 p.m.

Dave Dernbach opened the meeting for public comment. No public comments.

Dave Dernbach stated that there is not enough evidence on some of the items presented today, but that he feels there is a violation of Section 107.b.3 of the Teller County Building Code. Bert West stated his agreement with Mr. Dernbach. Mr. West asked Mr. Brandt to clarify whether there is a violation of Section 107.b.5 of the Teller County Building Code. Mr. Brandt stated that the Board was presented with a copy of a decree of foreclosure and notice of commencement of judicial court foreclosure filed in 1997 and it appears that the decree and notice were filed and existing prior to Mrs. Robbins contractor license application in 1998. On the contractor's application the wording states, 'Has the firm

or examinee ever declared bankruptcy, been involved in a lien suit against the firm or examinee, or a court suit for collection against the firm or examinee?' to which Mrs. Robbins answered 'No'.

Several of the Board members stated their agreement that some sort of action against Mrs. Robbins' license is needed based upon the complaint issues presented.

Bert West moved to suspend license number 2980C-L, held by Barbara Robbins of Northstar Design & Construction, LLC, for the period of sixty days, based upon Section 107.b number 3 and 5 of the Teller County Building Code. Jim Heenan seconded. Jim Heenan stated that he feels that 60 days is not enough. Bert West stated that he is requesting 60 days because most of the issues presented today were civil. Two no votes (Kurt Riggle and Jim Heenan) and two yes votes. Motion does not carry.

Jim Heenan moved to suspend license number 2980C-L, held by Barbara Robbins of Northstar Design & Construction, LLC, for the period of 90 days from today, based upon Section 107.b number 3 and 5 of the Teller County Building Code. Bert West seconded. Jim Heenan stated that he feels that 90 days is more appropriate because there were three complaints. One no vote (Kurt Riggle) and three yes votes. Motion carries. Chris Brandt stated the appeal procedure to Mrs. Robbins. Janet Lloyd provided Mrs. Robbins with a copy of the appeal procedure.

BOARD DISCUSSION

CONTINUED DISCUSSION ON:

AMENDING ARTICLE II, SECTION 105.f OF THE TELLER COUNTY BUILDING CODE CONCERNING BUILDING CONTRACTOR CLASS D LICENSE

Mr. Radeke stated that the purpose of this amendment would be to eliminate redundancies within the Teller County Building Code. Several of the trades listed under the Class-D License are found under other sections of the Teller County Building Code.

The Board requested that this item be continued to the December 5, 2001 meeting for further review and discussion.

AMENDING ARTICLE II, SECTION 105.e.1 OF THE TELLER COUNTY BUILDING CODE CONCERNING BUILDING CONTRACTOR C-2

The Board requested that this item be continued to the December 5, 2001 meeting for further review and discussion.

BOARD DISCUSSION CONTINUED:

**AMENDING ARTICLE II, SECTION 105.e.2
OF THE TELLER COUNTY BUILDING CODE
CONCERNING STATE INSTALLER CERTIFICATIONS FOR
MOBILE AND MANUFACTURED HOME INSTALLATION**

Lynda Morgan presented a second draft of the proposed amendment to Section 105.e.2 of the Teller County Building Code, and gave a staff report on this matter.

Some discussion regarding the State of Colorado's requirements for the contractor certification to install manufactured, factory built, and mobile homes.

Bert West moved to recommend approval to amend Article II, Section 105.e.2, of the Teller County Building Code concerning registered manufactured, factory built, and mobile home installers to the Board of County Commissioners. Kurt Riggle seconded. All yes.

CONTRACTOR LICENSES CONTINUED:

**BIRD CONSTRUCTION, (USA) INC.
GRANT GIBBS
CLASS-A LICENSE**

No one is present to represent this item. Bert West moved to continue this matter to the December 5, 2001 meeting. Jim Heenan seconded. All yes.

There being no further business, the meeting was adjourned at 5:23 p.m.