

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

September 4, 2013

9:00 a.m.

MEMBERS PRESENT: Mr. J. B. (Johnny) Johnson
Mr. Michael Finkbiner
Mr. Scot Gring
Mr. Todd Anderson

MEMBERS ABSENT: Mr. John Clarke
Mr. Chris Richardson
Mr. Vince Colarelli
Mr. Richard Gillit

OTHERS PRESENT: Mr. Terry Brunette, Deputy Building Official/Construction
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. Frank Atchison, Senior Building Inspector
Mrs. Pattie Bengler, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Johnny Johnson called the meeting to order at 9:07 a.m.

1. CONSIDERATION OF AUGUST 7, 2013 MINUTES

A motion was made by Michael Finkbiner to **APPROVE** the August 7, 2013 Building Committee Minutes as written, seconded by Scot Gring; carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Brian Murphy, licensee for Finish Line Construction, by Regional Building for reroofing houses without permits at 8175 Freemantle Drive, 6799 Mission Road, and 5593 Jennifer Lane, all in Colorado Springs, Colorado, in violation of Section RBC105.1, 2011 Pikes Peak Regional Building Code.

Brian Murphy appeared. All parties testifying were sworn in. Terry Brunette stated the details of the complaint. Brian Murphy stated he was extremely busy when these projects were done, and it was an oversight that the permits were not pulled. He stated his wife recently quit her job and is helping him with his office work so this will not occur again. He stated the permits will be pulled for these roofs today. Pattie Bengler stated one of the contracts was issued prior to Mr. Murphy obtaining his license. Mr. Murphy stated although the contract was issued prior to approval of his license, the work was not done until after his license was approved. Pattie Bengler stated Mr. Murphy has pulled 35

permits and 33 have passed the final inspection. A motion was made by Scott Gring to recommend to the Board of Review that a Letter of Reprimand be placed in Brian Murphy's contractor file, and if these permits have not been pulled by the October 2, 2013 Building Committee meeting, more severe action will be taken, seconded by Todd Anderson; the motion carried unanimously.

- b) A complaint has been brought against Russell Sinkola, licensee for Pine Creek Construction, by Regional Building for pulling permits for Robert Wright and/or Kevin Hoyt to perform work at 4220 Carnoustie Court and 89 Susanne Circle, Colorado Springs, Colorado.

Russell Sinkola appeared. Terry Brunette appeared and gave the details of the Complaint. Mr. Sinkola stated he is the owner of the company, and Kevin Hoyt runs his roofing division; he stated he does not know Robert Wright.

Charles Inniss appeared, was sworn in, and stated he is the owner of both of the subject properties. He stated he contracted with Robert Wright with Timberline Construction to replace the roofs on both houses. He stated he made the check out to Robert Wright. Pattie Bengner stated Robert Wright's license was revoked in 2010.

Break from 9:30 a.m. to 9:34 a.m.

The Building Committee moved into Executive Session at 9:34 a.m. pursuant to C.R.S. §24-6-402(3)(II) to seek legal advice from our attorney.

After moving into General Session at 9:41 a.m., Chairman Johnson noted that no decisions were made during the Executive Session.

Pattie Bengner stated Timberline Roofing is licensed and has been since 2007. She stated Christopher Irwin is the licensee. Mr. Inniss stated he was not aware that there was a problem until RBD issued a "Stop Work" Order because the work had not been permitted. He stated he signed a contract with Timberline, and Pine Creek came to finish the work and wanted another contract signed, and he was not comfortable signing a contract with another company for the same work.

Terry Brunette stated Robert (Dan) Wright worked for Timberline Roofing at one time until his license was revoked. He said Mr. Wright has the contract forms from Timberline and was contracting fraudulently using Timberline's contract forms. Kevin Hoyt appeared and stated he works for Pine Creek Construction on a commission basis, and he has worked with Dan Wright in the past. He stated Dan Wright asked him to pull the permits on these roofs, although the work was done by Dan Wright. He stated he did the work to correct issues with these roofs for Pine Creek Construction. He stated both roofs have been completed and are ready for inspection. He stated he has not been paid

any money for these roofs, but he feels responsible to the homeowner to make sure the roofs are completed and pass inspection. Mr. Sinkola stated he was not aware the permits had not been obtained for these two roofs. He stated Mr. Hoyt runs his roofing division entirely, and he also signs the contracts. He stated he has not been paid for this work, and he doubts that he will be paid for the work. Mr. Sinkola stated he pulled the permits and had to pay a triple fee for these roofs.

Mr. Inniss stated he is agreeable to having Pine Creek Construction complete the work at no costs to him. A motion was made by Scot Gring to recommend to the Board of Review that Pine Creek Construction's license be put on hold and it cannot pull any permits until these roofs have passed inspection, the work will be done free of charge to Mr. Inniss, and a Letter of Reprimand be put in Russell Sinkola's contractor file, seconded by Todd Anderson; the motion carried unanimously.

3. **COMPLAINT UPDATE**

- a. A complaint has been brought against James Davis, Jr., licensee for James Company Enterprises, Ltd., by Regional Building for using your license to obtain permits for another contractor to perform work at 1830 North Academy Boulevard, Suite A, Colorado Springs, Colorado, in violation of Section RBC201.11.3, #3, 2011 Pikes Peak Regional Building Code. *This Complaint was postponed from the August 7, 2013 Building Committee meeting due to non-appearance.*

Terry Brunette stated RBD staff has worked out a resolution to this complaint and the complaint has been **WITHDRAWN**.

4. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

AECOM TECHNICAL SERVICES, LLC – ERNEST MASCHNER
CAGLE COOK CONSTRUCTION, LLC – LONNIE CAGLE
FORTIS CONSTRUCTION, INC. – JAMES KILPATRICK
M.J.M. CONSTRUCTION – MARK MCANICH

Building Contractor B-1 (General Limited)

PRIME RETAIL SERVICES, INC. – CHARLES JARVIS

Building Contractor C (Homebuilder)

GENESIS CUSTOM HOMES, LLC – DEAN MEKELBURG (LIMITED)
MCKERLIE CONSTRUCTION LLC – SCOTT MCKERLIE

ROCKY MOUNTAIN STEEL PIERING INC. – GREGORY KEEFER
SIKORA CREATIONS, INC. – ANDREW SIKORA (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Roofing)

TOP NOTCH ROOFING & REPAIR INC. – LEWIS HEMION
TOTAL REMODEL CONTRACTOR – JUVENTINO ORNELAS-ORTEGA

Building Contractor D-3B (Wrecking Limited)

DDD INC. DBA EARTHWISE DEMOLITION – DAVID DEIGHTON
MUNSON DITCHING INC. – GREGORY QUIGLEY

Building Contractor E (Residential Maintenance & Remodeling)

CLEAN SLATE DESIGN INC. – JOSHUA HAND
WHITE OAK PROPERTIES – RANDY CREWS (REINSTATEMENT)

A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Michael Finkbiner; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1 (General)

IMPACT MANAGEMENT & CONSULTING, LLC – BENJAMIN GOSS*

Benjamin Goss appeared and stated he is doing restoration and remodeling work in Omaha, Nebraska, and he has clients that would like him to do this type of work for them in Colorado. He stated he does not have any ground-up experience, but he has worked on several apartment complexes. Scot Gring stated Mr. Goss only has adequate experience for a “D-1” (Roofing) license. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a “D-1” (Roofing) License, and after Mr. Goss gains further experience, he can appear to upgrade his license, seconded by Todd Anderson; the motion carried unanimously.

Building Contractor B-1 (General Limited)

S & J CONSTRUCTION – JONGHYUN YI (REINSTATEMENT & UPGRADE)*

Jonghyun Yi appeared and stated he would like to have his “C” License reinstated and upgraded to a “B-1” License. He stated he started working in his father’s construction

business at the age of 12 and has been working in the construction business most of his life. Pattie Bengner stated his license was issued in 2010, but expired in 2011. She stated RBD does not have any permitting issues with Mr. Yi. Johnny Johnson stated he does not feel Mr. Yi has adequate experience to pull commercial permits. Mr. Yi stated he has not done commercial work in Colorado, but he has remodeled a number of commercial properties in California under his father's license. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the reinstatement of a limited "C" (Homebuilder) License, seconded by Todd Anderson; the motion carried unanimously.

Building Contractor C (Homebuilder)

ABERNATHY CARPENTRY – CHRISTOPHER ABERNATHY*

Christopher Abernathy appeared and stated he lived in Montana from 2008 to 2010 and worked as an apprentice for a non-profit organization. He stated he built a storage/auto shop. He stated he also built a barn (25' x 50') and several additions in Teller County. Mr. Abernathy stated he currently has a project to modify a garage, but he does not plan to build homes from the ground-up. Scot Gring stated he does not feel Mr. Abernathy has adequate experience for a "C" (Homebuilder) License. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of an "E" License, seconded by Todd Anderson; the motion carried unanimously.

JACKSON HOMES LLC – WILLIAM JACKSON*

William Jackson appeared and stated he was a project manager, building approximately 200 homes, for Accott Homes. He stated he has past customers and friends that would like him to do work for them. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the limitation of two ground-up permits, and upon completion he can work with RBD staff to have the restriction removed, seconded by Todd Anderson; the motion carried unanimously.

STEWART CONSTRUCTION COMPANY – DARIN PETERSON*

Darin Peterson stated he is requesting this license to do patio enclosures and small additions. Tom Stewart, owner of Stewart Construction Company, appeared and stated his company is growing and Mr. Peterson is requesting this license to enable the company to widen its scope of work. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of a limited "C" (Homebuilder) License, with the limitation of no ground-up new homes, seconded by Scot Gring; the motion carried unanimously.

Building Contractor D-1 (Roofing)

THOR CONSTRUCTION LLC – JOSE JIMENEZ-REYES (EXAMINEE CHANGES CO.)*

Jose Jimenez-Reyes appeared and stated he has been roofing in Colorado Springs since 2007. He stated he has done a number of commercial projects. Pattie Bengner stated Mr. Reyes currently has a “D-1” (Roofing) License under Reyes Construction and he is requesting to have his license transferred to Thor Construction LLC. Terry Brunette stated Thor Construction has never had a license, and there are several projects that we would like to have permitted if this license request is granted. Ms. Bengner stated RBD does not have any issues with Mr. Reyes, but RBD does have issues with Thor Construction LLC. Michael Finkbiner stated he cannot support transferring Mr. Reyes’ license to Thor Construction since Thor Construction has two jobs that were done without a license. Todd Anderson stated if this license transfer is granted, Mr. Reyes must take responsibility for the two projects that have not been permitted. Mr. Reyes stated he would like to **WITHDRAW** this license request.

Building Contractor E (Residential Maintenance & Remodeling)

III GENERAL CONSTRUCTION, LLC – MICHAEL MONDRAGON*

Michael Mondragon appeared and stated he is requesting this license to do primarily remodeling work. He stated he will be retiring shortly from CSU and plans to do construction work after retirement. He stated he built a garage from the ground-up, a monolithic slab, and a number of pole barns. Pattie Bengner stated there were issues regarding two permits last month, and she discovered that Mr. Mondragon owned the house when the work was done by himself, and after transferring the property to his mother, further work was done on the house by another contractor. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of an “E” License, with the limitation of five permits, until completed, at which time Mr. Mondragon can work with RBD staff to have the restriction removed, seconded by Scot Gring; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

5. **CONSENT CALENDAR**

- a) 3820 Manchester Street, Permit I82387 – Eric Amoneno, Stonebridge Homes, Inc., requests a variance to Section R310.1, 2009 International Residential Code, to allow a 48” windowsill height in existing conditions where a maximum of 44” is allowed, with the stipulation that a step is permanently installed under the windowsill with a 6” rise and minimum of 1 1½” tread, and the full width of the window opening.

- b) 2334 Silent Rain Drive, Permit I83004 – Doug Decker Construction requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6'5" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- c) 1402 Clemson Drive, Permit I85793 – Sherman Suits, Suits Services, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6'5" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- d) 4402 North Weber Street, Permit I84231 – John Stevens, John Stevens Carpentry, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6'6" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- e) 7692 Woody Creek Drive, Permit I78799 – Scott Roland, Craftsman Basement Finish Co., requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6'7" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- f) 1401 Newcastle Street, Permit I85746 – Benjamin Rosen, homeowner, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 48" windowsill height in existing conditions where a maximum of 44" is allowed, with the stipulation that a step is permanently installed under the windowsill with a 6" rise and minimum 11½" tread, and the full width of the window opening.

A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the Consent Calendar variance requests as written, seconded by Michael Finkbiner; the motion carried unanimously.

VARIANCE REQUESTS

- 6. 152 Greeley Boulevard, Permit I71895 – Keith Nemmers, Nemmers Construction, requests variances to:
 - a) Section R311.7.4.1, 2009 International Residential Code, to allow a stair riser of 8" where a maximum of 7¾" is allowed.
 - b) Section R311.7.4.2, 2009 International Residential Code, to allow a stair tread depth of 9½" where a minimum of 10" is allowed.

Keith Nemmers appeared and stated due to space limitations, he was unable to obtain a Code compliant riser height. Frank Atchison stated the plans submitted to RBD do not show this set of stairs; it reflects a circular stairway. Jay Eenhuis stated Mr. Nemmers should file a revised set of plans with RBD. Mr. Nemmers requested that this matter be **POSTPONED** for 30 days. *Mr. Nemmers contacted RBD on September 9, 2013, to report that he has rebuilt the stairs to Code and a variance is no longer required.*

7. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

8. **NEW BUSINESS**

Terry Brunette stated Bob Croft is retiring and Roger Lovell is moving into Mr. Croft's position. He stated he will be filling the position of Deputy Building Official/Construction. He stated Stefan Ritch will be filling his previous position as Special Investigator. Mr. Brunette stated Mr. Ritch has been a roofing inspector with RBD. He stated there will be an increase in commercial inspectors to four inspectors.

The meeting adjourned at 11:51 a.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg