

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

February 7, 2011

**Members:** Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

**Present:** Banuelos, Coonrod, Crotts, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

**Staff Members Present:** Kurt Schroeder, Julie Irvin, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, February 7, 2011, at 1:30 p.m. in the 1<sup>st</sup> floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## **Approval of the January 10, 2011, minutes.**

Board Member Willenberg made a motion to approve the January 10, 2011, minutes. Board Member Banuelos seconded the motion. The motion was approved.

Chairman Hentzen requested that the Board Members and City staff introduce themselves to the public in attendance.

## **Approval of the January 2011 license applications as follows:**

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
James P. Baker	C & J Construction, LLP	Class B
Craig Frame	Central Weatherproofing	Class B
James Gehrer	Jim Gehrer	Class B
Leslie Godard, Jr.	Godard & Son Roofing Co., Inc.	Roofing & Siding
Anthony Hunt	TDH Construction	Class B
Matthew LaBine	Aspen Exteriors, Inc.	Roofing
Chad Leonard	Davis-Moore Real Estate, LLC	Class B
Patrick Sheeran	Western Waterproofing Co., Inc.	Class B
Kevin L. Stacy	Aegis Fire Protection, LLC	Fire Sprinkler Installer
Michael Watson	Mid-America Contracting, Inc.	Class B
Doran Wulf	Mid Continent Thermal Guard, Inc.	Roofing & Siding

## **Aegis Fire Protection – David Brown for Kevin Stacy**

After looking over the information submitted by Mr. Stacy, Board Member Coonrod made a motion to approve the application for Fire Sprinkler Installer. Board Member Hartwell seconded the motion. The motion carried.

## **Aspen Exteriors, Inc. – Matthew LaBine**

Examining the paperwork submitted for Mr. LaBine's license request, it was noted that the worker's compensation insurance provided coverage in Minnesota, but there was nothing specifically stating that coverage would also be provided in Kansas. Board Member Hartwell made a motion that the license request be approved pending the verification of the worker's compensation insurance for Kansas. Board Member Coonrod seconded the motion. The motion carried. (Board Member Banuelos was not present for this vote.)

With the exception of those applications reviewed separately by the Board, Board Member Hartwell made a motion to approve the remainder of the license applications. Board Member Coonrod seconded the motion. The motion was approved. (Board Member Banuelos was not present for this vote.)

## **Condemnation Hearings**

### **Review Cases:**

#### **1. 3519 E. Munger**

One of the property owners, Larry Smith, was present.

The property was first brought to the Board at the regular September 2010 hearing. At the November 1, 2010, hearing, the Board approved an extension of ninety days to allow the exterior violations to be corrected and the delinquent taxes to be paid, while maintaining the premise in a clean and secure condition in the interim.

As of the February 7, 2011, meeting, the taxes were still delinquent in the amount of \$367.76. At the last site inspection, there was construction debris on the site, along with some bulky waste. Although no repairs had been made, the structure was secure.

Mr. Smith told the Board that a death in the family the previous December had created a financial hardship for the family. Since the decedent didn't have insurance at the time of his death, the obligation for the funeral and burial expenses fell to the family members. The unexpected costs had required that monies intended for the repair of the property be used toward the funeral/burial costs. Each family member is trying to contribute money as he or she is able. He noted that the structure needed paint, work on the roof, and guttering and siding repair. Mr. Smith said the weather had been too cold to allow for work to be completed on the exterior.

Chairman Hentzen asked if even a portion of the taxes had been paid since the November 2010 hearing. Mr. Schroeder responded that nothing had been paid on the taxes, and some interest had accrued.

Board Member Murabito made a motion to allow until the regular April meeting for the the delinquent taxes to be paid and the exterior repairs to be completed, meanwhile maintaining the site in a clean and secure condition. Board Member Youle seconded the motion. The motion was approved.

#### **Request for second license - William D. Caylor dba Continental Siding Supply, Inc. (Roofing & Siding)**

After passing the ICC General Building Contractor/Class A examination, Mr. Caylor requested a Class A Contractor's License as a second license for Continental Siding Supply, Inc. Because of the number of expired permits obtained under the Roofing & Siding License, Board Member Harder made a motion to deny the request for the second license. Board Member Coonrod seconded the motion. The motion passed. (Board Member Banuelos was not present for this vote.)

#### **Request to change company name as part of a business reorganization – Marcus Schroeder dba Goentzel Construction, Inc. (Class B)**

Mr. Schroeder, a partner and the qualified person for the company, requested that the current name of the company be changed to Goentzel Custom Homes & Remodeling, Inc., to reflect the reorganization of the business. Reviewing the required documentation as submitted by Mr. Schroeder, Board Member Youle made a motion to approve the request pending the resolution of the outstanding permits still in the company's current name. Board Member Murabito seconded the motion. The motion passed without opposition.

#### **Request to change company name due to a trademark infringement – Joe Hogan dba Pro Home Exteriors, LLC (Class B)**

Due to notification of a trademark infringement, Mr. Hogan requested that he be permitted to change his company name to Expert Xteriors, LLC. Chairman Hentzen inquired whether the name change was the only issue. Mr. Hogan

confirmed that it was solely a matter of needing the name of the company changed. Board Member Hartwell made a motion to approve the requested name change. Board Member Banuelos seconded the motion. The motion carried.

**Request to renew expired license – Osband Holmes dba Osband Holmes Construction Co. (Class B)**

Expired since December 31, 2006, Mr. Holmes is requesting that he be allowed to renew his Class B Contractor's License. Mr. Holmes passed the ICC General Building Contractor examination in June of 2005. Determining that the necessary documentation was provided, Board Member Harder made a motion to approve the renewal. Board Member Youle seconded the motion. The motion was approved.

**Request for second license and request to change qualified person for current company - Arthur Lohrengel dba A & L Roofing (Class A)**

Mr. Lohrengel requested that he be permitted to become the qualified person for A & L Roofing, downgrading the current Class A contractor's license to a Class C. He also requested that he be permitted to obtain a second license as Al-Can Metal Buildings once he passes his General Building Contractor/Class A examination. To clarify the reason behind his requests, Mr. Lohrengel explained that his company wanted to do work in the city of Maize, Kansas, and was required to maintain a Sedgwick County Contractor's License in order to work in Maize. In order to obtain a Contractor's License in Sedgwick County, Mr. Lohrengel was required to have a license in the City of Wichita. Mr. Lohrengel hired Patrick Stevenson as his qualified person and upgraded the company license to a Class A for a specific project. The project has been completed, and Mr. Lohrengel told the Board that he wanted to return to a Class C license, also resuming the position as the qualified person. After passing a Class A Contractor's Examination, Mr. Lohrengel said that he wanted to also obtain a license for a separate company to be called Al-Can Metal Buildings.

Chairman Hentzen asked who would take responsibility for the expired permits issued under the current Class A Contractor's License. Mr. Lohrengel assured the Board that he would follow up and resolve any outstanding permits.

Board Member Harder made a motion to approve the request to allow Mr. Lohrengel to become the qualified person for A & L Roofing, Class C Contractor's License, upon providing proof of passing a Class C License Examination and to approve a second license upon passing a Class A License Examination and resolving the expired permits. Board Member Crotts seconded the motion. The motion carried.

**Request to change company name as part of a business reorganization – Brian May dba Wichita Home Renovations, Inc. (Class B)**

Mr. May requested that the company name be changed to WHR Construction Co., Inc., to appeal more to commercial accounts. Finding the application packet in order, Board Member Coonrod made a motion to approve the request for the change of company name. Board Member Harder seconded the motion. The motion was approved. (Board Member Banuelos was not present for this vote.)

**Request to change company name – Kyle W. Stevens dba Integrity Home Creations, Inc. (Class C)**

Mr. Stevens requested that he be permitted to retain his current license in his own name as an inactive license after closing the business known as Integrity Home Creations, Inc. Board Member Coonrod made a motion to approve Mr. Stevens' request pending verification that Integrity Home Creations, Inc., has been closed. Board Member Hartwell seconded the motion. The motion passed.

**Request to change company name – Patrick Stevenson dba Green Door Designs, Inc. (Class A)**

Since the current business is closed, Mr. Stevenson would like to be the qualified person for a new company called Concrete Decorative Design, Inc. Because the Board was uncertain as to the status of Mr. Stevenson's former

company with regard to the State of Kansas, Board Member Coonrod made a motion to deny the request. Board Member Hartwell seconded the motion. The motion carried.

**Request to change company name – Stan K. Stover dba FPS, Inc. (Class B)**

Mr. Stover requested that he be permitted to change his current company name to Franchise Strategies, Inc., due to his purchase of another company. Upon inspecting the required documentation, Board Member Harder made a motion to approve the name change. Board Member Youle seconded the motion. The motion passed.

**Request to change company name – Ryan E. Williams dba R. Williams Homes, LLC (Class C)**

Mr. Williams requested that he be allowed to upgrade his license to a Class B contractor's license. Since Mr. Williams does primarily commercial jobs, he also requested permission to change his company name to Willco Construction, LLC. After surveying the documentation included in Mr. Williams' packet, Board Member Coonrod made a motion to approve the request. Board Member Harder seconded the motion. The motion was approved.

**Off-agenda:**

**Request to obtain Class B Contractor's License - Tony Hunt dba TDH Construction**

Mr. Hunt requested that he be issued a Class B Contractor's License. His original application packet was lacking the required insurance; without the necessary insurance documentation, the packet was not submitted to the Board. Board Member Youle made a motion to approve Mr. Hunt's request for a Class B Contractor's License, subject to OCI's receipt of the required insurance documentation. Board Member Crofts seconded the motion. The motion was approved. (Board Member Banuelos was not present for this vote.)

**Request to change company name - Joe Kutilek dba People's Construction, Inc. (Class C)**

At the December 6, 2010, meeting, the Board denied Mr. Kutilek's request to change his current company name, "People's Construction, Inc.," to "New Image Roofing & Remodeling," since Mr. Kutliek was not at the meeting to answer questions about unresolved permits issued to Mr. Kutliek dba People's Construction, Inc. Mr. Kutilek told the Board that he was certain that he could provide documentation that all jobs had been finalized. Board Member Harder made a motion to grant Mr. Kutilek's request upon verification by OCI staff that all permits issued to People's Construction, Inc., have been closed. (Board Member Banuelos was not present for this vote.)

With no other business to conduct, Board Member Hartwell made a motion to adjourn the meeting. Board Member Coonrod seconded the motion. The motion passed. (Board Member Banuelos was not present for this vote.)

The meeting adjourned at 2:45 p.m.