

February 14, 2011

To: City Council
City Manager

From: Mayor Jerry DiTullio

Re: Building Department

I have concerns about the customer service model (including some policies) currently being implemented by the building department for the City of Wheat Ridge. My concern stems from continuous complaints from residents, businesses and contractors (see attachment from Brian and Kellie Baillie). Be assured that many complaints that I receive are not brought forward to be addressed if the complaint does not have merit. I am not going address every combination and permutation of customer service complaints that I have received the past three years as Mayor, but I can tell you that I have received more complaints the past three years than I have received the previous twelve years.

Generally, the complaints are NOT about the enforcement of building codes, but rather the negative demeanor, defensive posture and the inflexibility of the building department when it comes to the redevelopment of residential and commercial properties. The only city department that has direct competition is parks and recreation. If someone has a customer service issue with parks or the recreation center they can always patronize another park or recreation center. This is not the case with our building department. A resident cannot go to another building department if there is a customer service problem. When there is a problem progress comes to a halt. Work does not get done. For example, Dan Bradford cannot continue with his home remodel. Cooperation needs to be a two-way street, not a highway and a bike path.

- Specifically, City of Wheat Ridge employees should NOT be in the business of contacting the employers of residents or property owners unless it pertains to a police/legal matter (see attachments from Dan Bradford).
- Specifically, City of Wheat Ridge cell phones being used by building inspectors, which are paid for by taxpayers, should not have their numbers “blocked” to avoid getting return phone calls when city inspectors have performed a “call ahead” inspection.
- Specifically, City of Wheat Ridge residents should be allowed to work on their home electrical during a remodel as long as they have pulled a permit (see attachment from Jesse Hill). This issue was discussed by the Mayor’s Building Code Task Force as it pertained to rental properties, not owner occupied properties.
- Specifically, the building codes cannot be changed enough to address the customer service issues. The building codes are not the problem; it’s the implementation of them.

I am asking that the City Manager and the City Council to address these problems by way of the following actions:

1. Council direct the City Manager to discontinue the policy of blocked building inspector cell phones
2. Council direct the City Manager to bring forth a building code change removing the requirement that homeowners be required to be licensed to perform electrical work on their primary residence
3. Council direct the City Manager to discontinue any policy which allows city staff to contact employers of residents unless there is an official legal need to do so (e.g. police, human resources, etc...)

Please see the following link:

<http://www.ci.wheatridge.co.us/DocumentView.aspx?DID=1547>

I have cut the following text below from pages 12 and 13 of the building department assessment - these two recommendations further support my recommendations. The recommendations address the unblocking of inspector cell phones and the requirement of homeowner licensing.

Scheduling

- Provide 1-2 hour inspection window for all clients, including both homeowners and contractors. Allow permit applicants to request am or pm and have inspector call in morning with time. Consider Aurora policy where inspector calls 30 minutes before inspection. If inspector is going to be late, then they should call and let the permit holder know they are running late and give a revised time that they expect to be there.
- It is recommended that the division release the cell phone numbers for inspectors to clients. This will allow people to contact them with questions and scheduling. This provides a better level of customer service to the public.

Licensing Requirements

- The current liability insurance requirements are adequate and should be maintained.
- Recommend that the Homeowner license classification be eliminated. Suggest language be added to ordinance regarding homeowner's work on their property as follows:

- Allow a homeowner to perform work on their residence except if such residence is intended for sale or resale; or is rental property that is occupied or is to be occupied by tenants for lodging, either transient or permanent.

- Recommend that commercial property owners be allowed to do minor work on their building without a licensed contractor. Limit the value of the work to \$1,000 in any 6 month period. Electrical, plumbing and gas piping work must be done by a licensed contractor. This will allow the local business owners the opportunity to do minor work in their business without having to hire a licensed contractor. This will save them money for such projects.

January 10, 2011

To Whom It May Concern:

We are writing this letter regarding our experience with Mr. Schumacher, Wheat Ridge Chief Building Inspector.

My husband and I had the opportunity to renovation the home at 4825 Wadsworth Boulevard in Wheat Ridge from August 2007-February 2009. We planned to complete our project in 9-12 months; however, 18 months passed before we were able to received our certificate of occupancy.

Some of our delays were directed related to the building department. One example was our insulation. After researching our insulation options, we chose to use spray foam insulation in our home. Our decision was met with resistance from Mr. Schumacher. Mr. Schumacher told us that *he* had not adopted the 2006 IBC (which allows for spray foam insulation) so it wasn't allowed. After a period of 6 weeks, we moved forward with the spray foam insulation. We approached Mr. Schumacher with sealers to address his concern about condensation occurring in the drywall because of our choice of insulation. Mr. Schumacher neglected to return our phone calls about the products we presented as solutions.

Most recently, we were cited for making improvements or repairs to an existing structure, our gazebo. We were instructed by the building department to obtain a shed permit to address this renovation. When I went to the building department to get the permit, free for structures under 121 sqft the employee said a fee was required for this project. I gave her the sqft information and asked her to check on the cost, as it should be free. She called Mr. Schumacher on the phone and he said we in fact had to pay the permit fee for the gazebo. I left, I was so frustrated. My husband contacted the building department about the issue. Approximately a week later, Mr. Schumacher left us a message stating he had our permit and their was no charge.

At one point during our project, I had a meeting with Mr. Young, Mr. Johnstone and Mr. Schumacher about issues with the building department.

I could go on with other examples of the frustrations we experienced throughout our project. While I would like to believe we had a unique experience, we hear similar stories from other who have renovated in Wheat Ridge. I was mentally and emotionally exhausted with the hoops we had to jump through to get our C.O. It is important to note that we did not move forward with garage plans at this point because we needed (me more than my husband maybe) a break from dealing with the building department. We will have a garage someday....but more has to change with the building department than the code before I can stomach another construction experience in the City of Wheat Ridge.

Sincerely,

Brian & Kelly Baillie
4825 Wadsworth Blvd
Wheat Ridge, CO 80033

January 10, 2011

To: Mr. Mayor and Members of City Council

On November the 12th of 2010, the following occurred:

I accessed the City of Wheat Ridge website to obtain information on the current requirements to obtain building permit. My intention was to combine our kitchen and dining room by removing a non-bearing wall. After viewing the website I had noticed no difference in the code requirements from other permits I have obtained. I called the building division main number and did not get a response. I then called the chief building official's number. I explained to John Schumacher that I first tried to call the general number and it only rang. I asked the chief building official (John) if it would be an over the counter permit for the work I intended to do. The building official stated that it would. I printed the application on line and filled it in by hand.

I arrived at the building division to turn in my application. At the time, I had no "ax to grind" with anyone at City Hall. The permit clerk who looked at my application informed me that I would not be allowed to perform electrical work as homeowners were prohibited unless they were a licensed electrical contractor.

My application stated that I was to remove a non-bearing wall and to relocate a light switch. I tried to hide nothing.

I was unaware the City of Wheat Ridge had removed the ability for homeowners to perform electrical work on their home that they reside in. The chief building official made no mention if this during our conversation over the phone.

I will fully admit that I became annoyed after being informed by the permit clerk that I would not receive a permit for the electrical work I needed to do. I have obtained numerous permits in the past for the same type of work, which included electrical. I may have used a cuss word after being denied, but it was not the "F" word as I have been accused by the chief building official.

Mr. Schumacher appeared from behind the counter and informed me that things have changed. I tried to explain that we were on the same side and that I have been a building inspector official for 18 years with the City of Westminster. I tried to explain that I have experience working with electrical ad remodels. Mr. Schumacher became very defensive. He stated that it did not matter, and handed back to me my application. I then wadded it up and walked out the door.

I tried to play by the rules and obtain a permit and inspection. This new requirement may very well have a negative effect on citizens and their ability to work on their own home.

The City Manager has stated in an email to me that he would make sure that requirements were posted. I have yet to see that.

After the incident, Mr. Schumacher emailed my boss at the City of Westminster to complain about me and my demeanor. I entered Wheat Ridge City Hall as a citizen to legally acquire a building permit. I do not appreciate anyone from the City of Wheat Ridge contacting my employer and jeopardizing my employment. This action by the chief building official (John) was unethical and unnecessary. I have encountered annoyed citizens the past 18 years while doing my job, but I have never contacted their employer and complained.

Dan Bradford
6900 W 29th Ave.
Wheat Ridge, CO
303-238-3351

Jerry DiTullio

To: Horras, Dave
Subject: RE: Confidential

Jerry, here is the message sent on Friday 11/5/2010.

Hi Dave,

I just received a visit from one of your inspectors, Dan Bradford, of which I thought that you might want to be aware. He had contacted me by phone to inquire about permitting requirements to remove a portion of a non-structural wall at his home in Wheat Ridge. We discussed those requirements and he arrived at our offices to obtain the permit. He included on the application, but not in our prior conversation, that he was performing electrical work. Wheat Ridge recently passed an ordinance prohibiting homeowners from performing electrical work without the supervision of a licensed electrician. Mr. Bradford was angered by this.

Mr. Bradford identified himself to two different employees of Wheat Ridge as the building official of the City of Westminster and was wearing a City of Westminster sweatshirt. He protested this requirement and was publicly loud and rude, directing profanity at my Permit Technician, then demanding to speak to me. He was then publicly loud, rude and profane to me before crumbling his application and storming out.

While each of us encounters rules and regulations with which we disagree but are obliged to comply, discourteous and/or unprofessional behavior of the type displayed by Mr. Bradford is never appropriate. It is especially distressing when it comes from someone who works in the industry and who has likely been the target of such behavior, and who identifies himself, albeit incorrectly, as an employee and representative of a neighboring jurisdiction. His repeated identification of himself as an employee and the building official of your department did not accurately reflect what I know to be the level of professionalism and courtesy within your department, and felt it important to make you aware of the manner in which your department was represented by Mr. Bradford to the employees of Wheat Ridge. I would want to know if one of my employees had behaved in this manner.

Thanks,

John C. Schumacher, Jr., CBO

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Wheat Ridge, Colorado 80033
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Dave Horras
Building Official
City of Westminster
303-658-2077
dhorras@cityofwestminster.us

Please note:

Starting 8/2/2010 City Hall will be offering extended hours Monday through Thursday 7:00 am to 6:00 pm
The building division offices will be closed on Fridays

Mayor DiTullio,

In advance of your upcoming study session regarding electrical permits done by a homeowner, I would like to present the following opinion.

Last night the Building Code Advisory Board 5-1 recommended that the current regulations regarding electrical work by homeowners remain unchanged. I was the lone dissenter.

As currently adopted, a homeowner who wishes to do any electrical work that involves moving a wire has three possibilities to get a permit.

One - Subjectively thru the Chief Building Official - If one can convince the CBO that he or she has enough experience regarding electrical installation the CBO can issue a permit for that project. This leads to a good level of uncertainty when a homeowner goes to apply for a permit.

Two - Convince the CBO that a Licensed Electrician will review their work before the inspection. This might reduce non-compliance at inspection, but adds a large burden for small jobs. The CBO has complained of the inspectors doing this in the past, but since there is no re-inspection fees, there is no incentive for the homeowner to get it right the first time outside of his or her own time.

Three- Currently if homeowner cannot convince the CBO, he or she can take the 4 hour ICC (International Code Council) contractors test for \$100. As I understand, this covers numerous sections and trades with a section dedicated to electrical items. One must pass the entire test even though they might not be related to electrical work or the nature of their project.

The ICC writes numerous code books with the exception of Electrical. The NFPA writes the NEC (National Electrical Code) that is adopted as the electrical code in Wheat Ridge. The ICC has no direct link to the NFPA electrical codes and does not claim to.

Currently the CBO has no "electrical only" test or knows of an electrical test that a homeowner can take. He would accept trade classes or classes from a community college, but this would place a greater burden on in the \$800 or more and semester of classes.

A motion presented by myself to suspend the enforcement of this rule until a test could be identified and available for homeowners lost 2-4.

As expressed in the meeting, I fear that this will provide too restrictive of an environment and more electrical work will be done without a permit. Providing a certain, streamlined path for homeowners that is not subjective will encourage them to be engaged in the inspection process. This will lead to a safer Wheat Ridge and an improved housing stock. Personally, as a young homeowner I chose Wheat Ridge over Denver in 2009 for the opportunity to improve my home due to what I thought was a homeowner friendly building department. I look forward to seeing Wheat Ridge be the community of choice for new homeowners and families in the Front Range. Please let me know how I can help.

Jesse Hill, P.E.