

RESIDENTIAL CONTRACTOR BOARD

Minutes for May 21st, 2014

The Residential Contractor Board meeting was held on Wednesday, May 21st, 2014 at 5:00 p.m. in the Alumni Room of the Temporary City Hall (ARCC) with Chairman Kelly Papousek presiding. Members present at roll call were Kelly Papousek, Joe VanDeRostyne, and Jack Hollinsworth. Also present was Building Official/Planning & Zoning Director Brett Bill, Building Inspector Chad Nilson, and Building Inspector Barry Dunlavy.

Chairman Papousek began with the approval of minutes:

- 1) VanDeRostyne motioned to approve the minutes from the April 16th, 2014 meeting, Hollinsworth seconded. Upon roll call, all members voting aye, motion carried.

Chairman Papousek continued with old business as follows:

- 1) Continued discussion with City Attorney, Adam Altman concerning the authority, limitations, and procedures of the Board.

Chairman Papousek directed that the old business be moved to the end of the meeting.

Chairman Papousek continued with new business as follows:

- 1) Investigation/hearing concerning a complaint filed against Schultz Construction by Jason Heiser of 1108 17th Ave SW.

Present to discuss the item was Jason Heiser, Shawn Schultz of Schultz Construction, and Jeff Mitchell of Homes Are Possible Inc. Tom Black was also present to speak on behalf of Mr. Heiser.

Jason Heiser began with listing complaints against Schultz Construction including mold (on the interior of dwelling, in lower level) and wind damage to shingles. Mr. Heiser was seeking damages from HAPI and Schultz Construction to include remedying any potential mold and replacement of the shingles on the north side of the dwelling.

The Contractor Board was hesitant on becoming involved with the case as Jeff Mitchell indicated that HAPI's attorney had taken over the case and both parties had agreed to go to mediation to resolve the dispute. Mr. Heiser stated that he had not conceded to the mediation. Mr. Mitchell stated that the day the shingles were damaged, the area had been subjected to winds in excess of 70 mph, which exceeded the minimums set forth in the warranty offered by HAPI.

Tom Black stated that the home should be made water tight (by repairing the shingles) prior to any mediation hearing to avoid further potential damage to the dwelling. Mr. Schultz indicated that he had already offered to repair damaged shingles, but Mr. Heiser refused the repair and wanted the roof replaced in its entirety.

The Board asked Mr. Schultz if he would still be willing to repair the damaged shingles, which Mr. Schultz willingly agreed to do. Mr. Heiser agreed to the repair as well. The Board indicated that they would like the shingles repaired by June 15th, 2014. The Board also requested that a one year warranty be extended for the repaired areas, the warranty is not to include 'acts of God'.

Mr. Heiser continued with the discussion of the possible presences of mold. Mr. Mitchell presented to the Board the HAPI homeowners manual, which he explained clearly discussed the mitigation of excess moisture in a newly constructed dwelling. The Board agreed that the manual adequately directed the homeowner with proper procedures to minimize the risk of developing a mold problem.

No formal motion was made by the Board as the Board felt that the issue had reached a resolution through the discussion. The Board did not determine that Schultz Construction had acted in bad faith in dealing with the consumer or had produced a substandard work product.

Chairman Papousek continued with old business as follows:

- 1) Continued discussion with City Attorney, Adam Altman concerning the authority, limitations, and procedures of the Board.

Adam Altman was not able to be present at the regularly scheduled meeting, as such, Hollinsworth motioned to continue the item until the meeting on June 18th, 2014, VanDeRostyne seconded. Upon roll call, all members voting aye, motion carried.

There being no other business, Papousek asked for motion to adjourn. VanDeRostyne motioned to adjourn, Hollinsworth seconded. Upon roll call all members voting aye, motion carried.

Brett E. Bill
Building Official/Planning & Zoning Director
May 21st, 2014