



11701 Community Center Drive
P.O. Box 330061
Northglenn, Colorado 80233-8061
Phone 303-451-8326
Fax 303-450-8708

October 16, 2007

Nick Avila
3031 W. 38th Ave.
Denver, CO 80211-2001

Discount Drains & Plumbing
12990 Uinta St.
Thornton, CO 80602-8460

Re: Notice of City Council Review of Board of Appeals Decision regarding Contractor's License for Discount Drains

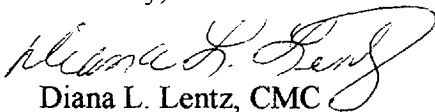
Dear Sirs:

On October 11, 2007, the Northglenn City Council considered the Notice of Application for Review filed by the City Manager relating to the decision by the Northglenn Board of Adjustment to suspend the contractor's license of Discount Drains & Plumbing with the City of Northglenn for a period of sixty (60) days. A copy of said Notice is attached hereto.

The City Council has ordered that it will hold a hearing on this matter on November 8, 2007 at 7:00 p.m. or as soon thereafter as it may reasonably be heard, at the City of Northglenn City Hall, located at 11701 Community Center Drive, Northglenn, Colorado 80233, pursuant to the provisions of Sections 11-42-8 and 10-18-13 of the Northglenn Municipal Code. At the scheduled hearing, Discount Drains and Plumbing may be represented by legal counsel, and may present evidence relevant to this matter, including the testimony of witnesses and documentary evidence. Further, Discount Drains and Plumbing may cross-examine any witnesses presented by the City.

Please feel free to call the City's attorney, Corey Y. Hoffmann, at 303-825-6444, if you wish to discuss this matter prior to the hearing.

Sincerely,


Diana L. Lentz, CMC
City Clerk

c. Corey Y. Hoffmann, City Attorney

CITY COUNCIL, CITY OF NORTHGLENN	
Address: 11701 Community Center Drive, P.O. Box 330061, Northglenn, CO 80233	
Petitioner: CITY MANAGER	
v.	
Respondent: DISCOUNT DRAINS & PLUMBING	
NOTICE OF APPLICATION FOR REVIEW	

The City Manager of the City of Northglenn, hereby files this Notice of Application ("Notice") for Review with the Northglenn City Council pursuant to Section 11-42-8 of the Northglenn Municipal Code (the "Code") and states as follows:

1. On September 18, 2007, the Northglenn Board of Adjustment ("BOA") heard an appeal filed by Discount Drains & Plumbing, 12990 Uinta St., Thornton, CO 80602-8460 ("Respondent"), in which Respondent appealed the suspension of Respondent's City contractor's license.

2. At the hearing, the BOA approved a stipulation entered into between the City and Respondent under which the Respondent agreed that Respondent would accept a sixty (60) day suspension of Respondent's license, beginning on September 18, 2007. Further, Respondent understood that the City Manager would request the City Council to impose an additional time period of suspension or to fully revoke Respondent's contractor's license.


3. Pursuant to Section 10-18-13(b) of the Code, the BOA only has the authority to suspend a contractor's license for a maximum of sixty (60) days. Any further suspension or revocation of a contractor's license may only be ordered by the City Council. Code § 10-18-13(b).

4. The City Manager therefore files this Notice to request that the City Council revoke Respondent's contractor's license, due to the egregious nature of the violations for which Respondent was cited. The details of the violations are set forth in the Staff Report attached hereto as **Exhibit A**, which was prepared by Rick Davis, the City's Chief Building Official.

WHEREFORE, the City Manager respectfully requests that the City Council grant the application for review, set a hearing on the matter, and after such hearing revoke Respondent's City contractor license.

DATED this 24 day of September, 2007.

Respectfully submitted


By: A.J. Kraeger, City Manager

DENVER CO 802

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

NICK Avila
3031 W. 38th AVE.
Denver, Co 80211-
2001

7006 2760 0004 4238 8249

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

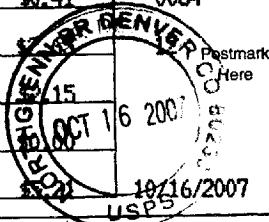
For delivery information visit our website at www.usps.com

DENVER CO 80211

OFFICIAL USE

7006 2760 0004 4238 8249

Postage	\$ 0.41	0084
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 0.41	10/16/2007



Sent To NICK Avila

Street, Apt. No., or PO Box No. 3031 W 38th AVE

City, State, ZIP+4 Denver, Co. 80211-2001

PS Form 3800, August 2006 See Reverse for Instructions

Case# A-4-07
Applicant: Mark Tapia, Discount
Drains and Plumbing,
L.L.C.
Location: 11183 Pinyon Drive
Ordinance: 10-18
Reference:

STAFF REPORT AND RECOMMENDATIONS

REQUEST: Appeal of the Emergency Suspension of a Contractor License Pursuant to Section 10-18-14 of the Northglenn Municipal Code that states "If the Building Official finds that emergency cause exists for the suspension or revocation of a license, he or she may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation."

REASON FOR REQUEST: The applicant states on the application for appeal he has attended a 40 hour OSHA Training Course.

APPLICANTS REASON FOR REQUEST: The applicant states on the application for appeal he has attended a 40 hour OSHA Training Course and requesting to have his contractor license suspension lifted.

ANALYSIS: Northglenn Building Department staff were contacted by Northglenn Police on June 3, 2007, to respond to a trench collapse at 11183 Pinyon Drive, in which a workman had been buried and suffered serious injury.

At the time of arrival, the Northglenn Building Inspector observed Discount Drains and Plumbing, L.L.C., to be working in a trench approximately nine feet (9') in depth without the placement of trench shoring per OSHA requirements.

Section 10-18-11(a)(1) of the Code provides that the Building Official may suspend, revoke, or deny a license

when the licensee fails to comply with any of the licensee responsibilities, as outlined in Section 10-18-10. Section 10-18-11(a)(4) provides that a license may be suspended, revoked or denied if a licensee violates any ordinance of the City having any bearing upon or relation to the work or services performed under the license, or ability to perform the work or services under the license.

The specific Code provisions Discount Drains and Plumbing violated were as follows:

Section 10-18-10. Licensee Responsibility.

(a) All licensees shall be responsible for work requiring a permit under the provisions of this Article, without limitation, and for the items listed in this Section:

(1) To report in writing to the Building Official any accident occurring in any construction or undertaking which has resulted in lost time, injury, or death to any person, or damage to any building or structure within seventy-two hours after such accident.

Discount Drains and Plumbing, L.L.C., was cited due to a trench collapse on June 3, 2007, which buried an employee resulting in injury. Trench shoring was not being utilized in accordance with OSHA Regulations. A previous warning was given to Discount Drains and Plumbing, L.L.C., by North Metro Fire Rescue District when called to the scene earlier in the day to respond to ruptured gas main. No report has been filed with the Northglenn Building Department.

(2) To provide minimum safety measures and equipment to protect workmen and the public, as prescribed by this Article.

Discount Drains and Plumbing, L.L.C., was cited due to trench collapse on June 3, 2007, which buried an employee resulting in injury. A gas line to the property was ruptured. Trench shoring was not being utilized in accordance with OSHA Regulations. A previous warning was given to Discount Drains and Plumbing, L.L.C., by North Metro Fire Rescue District when called to the scene earlier in the day to respond to ruptured gas main.

- (3) To observe any other City ordinances prescribing measures for the safety of workmen and of the public.

Discount Drains and Plumbing, L.L.C., was cited due to trench collapse on June 3, 2007, which buried an employee resulting in injury. A gas line to the property was ruptured. Trench shoring was not being utilized in accordance with OSHA Regulations. A previous warning was given to Discount Drains and Plumbing, L.L.C., by North Metro Fire Rescue District when called to the scene earlier in the day to respond to ruptured gas main.

- (5) To employ a qualified supervisor and to provide the name of such supervisor on the permit inspection card.

Discount Drains and Plumbing, L.L.C., was cited due to your failure to have an OSHA Competent Person supervising the trench excavation on June 3, 2007, in which trench shoring was not being utilized in accordance with OSHA Regulations. A previous warning was given to Discount Drains and Plumbing, L.L.C., by North Metro Fire Rescue District when called to the scene earlier in the day to respond to ruptured gas main.

- (16) To keep streets and sidewalks that are adjacent to construction-sites and open to the public traffic free of obstructions, construction materials, equipment, debris, mud, dirt or any other material that may be a hindrance or hazard to vehicular or pedestrian traffic.

Discount Drains and Plumbing, L.L.C., was cited due to construction materials placed in the street and across the sidewalk without approved pedestrian or traffic control.

RECOMMENDATION:

Despite repeated warnings issued between June 3, 2007, and June 5, 2007, by Northglenn Building Department, North Metro Fire Rescue District, and OSHA, Discount Drains and Plumbing, L.L.C., continued to work in violation of standard OSHA Safety practices for trench safety resulting in serious injury to a Discount Drains and Plumbing, L.L.C., employee, jeopardizing the safety of first responders to the scene, and

causing damage to an Xcel Energy gas line. It is the recommendation of the Northglenn Building Official the Emergency Suspension stand, and the Contractor License issued to Discount Drains and Plumbing, L.L.C., be revoked for the period of ninety (90) days.

RESPECTFULLY SUBMITTED:



Rick Davis
Chief Building Official

APPROVED:



Kurt Kowar
Manager of Logistics



Community Development Department
11701 Community Center Drive
P.O. Box 330061
Northglenn, CO 80233-8061
Phone 303-450-8741
FAX 303-450-8708

July 27, 2007

Mark Tapia
12990 Unita Street
Thornton, CO 80602

Dear Mr. Tapia,

You are hereby notified that on September 18, 2007 at 7:00 pm in the Northglenn City Council Chambers located at 11701 Community Center Drive, the Board of Adjustment will hold an appeal hearing on your application regarding the emergency suspension of your contractor's license by the City's Chief Building Official.

The original hearing scheduled for August 21, 2007 was rescheduled due to lack of quorum by the Board of Adjustment. All parties involved have been notified and the hearing was rescheduled.

Sincerely,

A handwritten signature in black ink that reads "Travis Reynolds". The signature is written in a cursive style with a horizontal line above the first few letters.

Travis Reynolds
Senior Planner

Mr. Davis,

This letter is in response to our conversation on July 19th, 2007, concerning the Contractor License for Discount Drains. On the morning of June 3rd, 2007 units from North Metro Fire Rescue were dispatched to 11183 Pinyon Dr. on a gas leak. Upon arrival North Metro Truck 62 found a gas line break caused by a contractor (Discount Drains) digging a trench for sewer line replacement. The Company Officer noted in his conversation to me and documentation in his report that the trench (about 10' deep 70' long and 30" wide) was in violation of industry safety standards and was a hazard to anyone in or around. The Company Officer instructed the contractor to stop all operations until safety was assured and corrective measures taken. The Contractor stated that he would correct all issues before proceeding.

Safety issues noted:

1. Trench had no safety system in place to prevent trench wall failure
2. Dirt from trench was placed next to excavation, thus causing addition stress on walls
3. Wall of trench were cut at or about 90 degrees with unstable ground.

Later that same afternoon North Metro Fire Rescue was dispatched to the same address of a trench failure with a party trapped. Upon Arrival, I assumed Command of the incident and noted the following

1. Trench had failed about midway between the house and street. Trapping an employee under a large dirt pile.
2. One person was just being removed to the collapse pile by Police Officers, Contractor and Home Owners Son In Law
3. All persons still in the trench were in grave danger of additional wall failure and entrapment and I ordered all to exit. All did except injured worker who could not.

North Metro Fire Rescue, following standard rescue techniques' secured the injured person and removed him for medical treatment. Upon incident review the following was noted and documented.

1. No attempt had been made by the contractor to make safety corrections as required by North Metro Fire Rescue.
2. Contractor ignored all warnings, industry standards, City codes and Federal standards, taking it upon himself to decide if he needed to follow the law.
3. Contractor endangered himself, the home owner's Son in Law (allowing him to "help" without training), employees (one injured), Police Officers, Fire Fighters and the general public. This endangerment was in my opinion done because "He'd done it for 16 years and nothing bad ever happened" (contractor quote).
4. Contractor did not have City permit and was working on a weekend. Giving reason to believe he was avoiding the inspection process.
5. It appears that notification of the Fire Department may have been delayed until the Contractor and home owners Son in Law were too exhausted to continue.

Kevin J. Sweeney
Battalion Chief
North Metro Fire Rescue District

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 DENVER AREA OFFICE
 1391 SPEER BLVD., SUITE 210
 DENVER, CO 80204
 Phone: (303)844-5285 FAX: 303-844-6676



Citation and Notification of Penalty

To:
 Discount Drains and Plumbing
 and its successors
 12990 Uinta Street
 Thornton, CO 80602-8460

Inspection Number: 310466693
Inspection Date(s): 06/04/2007-07/13/2007
Issuance Date: 07/16/2007

Inspection Site:
 11183 Penyon Drive
 Northglenn, CO 80234

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalties listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violations cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation cited herein have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citations and/or penalties.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

Notification of Corrective Action - for each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation

and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful and Repeat** violation, documents (examples: photos, copies of receipts, training records, etc.) demonstration that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Abatement-Certification Letter

Herb Gibson, Area Director
U.S. Department of Labor-OSHA
1391 Speer Blvd., Suite 210
Denver, CO 80204
(303) 844-5285

Fax: (303) 844-6676

Discount Drains and Plumbing
12990 Uinta Street
Thornton, CO 80602-8460

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The hazard referenced in Inspection Number _____ for violation identified as:
Citation _____ and item _____ was corrected on _____ by what method _____

The affected employees and their representative have been informed of the above abatement measures.

I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007 - 07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.652 (a)(1) Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c):

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On June 3, 2007 the employer did not ensure that each employee conducting work in the excavation was protected from cave-in, in that the excavation which measured approximately 30 feet in length, 2 feet wide and approximately 10 feet deep with vertical walls, lacked an appropriate protective system such as sloping, benching, or a shield system. This condition exposed the employees to a crushing hazard by excavation wall cave-in. On Sunday June 3 at approximately 4:30 P.M. a trench collapse occurred in which one individual was trapped in the collapse and required fire department assisted rescue. The individual received serious injuries resulting in hospitalization.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated:	07/24/2007
Proposed Penalty:	\$ 1500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007-07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.651(k)(1): Daily inspections of excavations, the adjacent areas, and protective systems were not made by a competent person for evidence of a situation that could have resulted in possible cave-ins, indications of failure of protective systems, hazardous atmospheres and or other hazardous conditions:

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On and before Wednesday June 6, 2007 daily inspections of the excavation and the adjacent areas were not made by the competent person for evidence of situation that could have resulted in hazardous conditions, in that the competent person did not identify the lack of an appropriate protective system and did not take prompt corrective action to eliminate the cave-in hazard. On Sunday, June 3 at approximately 4:30 P.M. a trench collapse occurred in which one individual was trapped in the collapse and required fire department assisted rescue. The individual received serious injuries resulting in hospitalization.

Abatement Note: "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated: 07/24/2007
Proposed Penalty: \$ 1500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007 - 07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.651(j)(2): Protection was not provided by placing and keeping excavated or other materials or equipment at least 2 feet (.61m) from the edge of excavations, or by the use of retaining devices that were sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary:

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On Sunday, June 3, 2007 the employer did not ensure that each employee conducting work in the excavation was protected in that the excavated spoil pile was not at least 2 feet (.61m) from the edge of the excavation, nor was a retaining device used. The excavation measured approximately 30 feet in length, 2 feet wide, and approximately 10 feet deep with vertical walls. This condition exposed the employees to hazards of falling debris and wall collapse while working in the trench.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated:	07/24/2007
Proposed Penalty:	\$ 1500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007-07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1926.20(b)(1): A safety program was not developed and/or maintained to provide compliance with the general safety and health provisions of the standard:

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On and before June 3, 2007 the employer had not developed or implemented a comprehensive employee safety and health program.

ABATEMENT NOTE: A complete Safety and Health Program includes the following elements:

1. Management Commitment and Leadership

- A. Policy statement: goals established, issued and communicated to employees.
- B. Program Reviewed Annually.
- C. Participation in safety meeting, inspection; agenda item in meetings.
- D. Adequate commitment or resources.
- E. Safety rules and procedures incorporated into site operations.

2. Assignment of Responsibility

- A. Safety designee on site, knowledgeable and accountable.
- B. Supervisors' (including foremen) safety and health responsibilities understood.
- C. Employees adherence to safety rules.

3. Identification and Control of Hazards

- A. Periodic site inspection program involving supervisors.
- B. Preventative controls in place (PPE, Maintenance, Engineering Controls)

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007-07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglen, CO 80234

- C. Action taken to address hazards.
- D. Safety Committee, where appropriate.
- E. Technical reference materials available.

4. Training and Education

- A. Supervisors receive basic safety and health training.
- B. Specialized training taken when needed.
- C. Existence of an employee training program, which is ongoing and effective.

5. Recordkeeping and Hazard Analysis

- A. Records maintained of employee illnesses/injuries and posted.
- B. Supervisors perform accident investigations, determine causes, propose corrective action.

6. First Aid and Medical Assistance

- A. First aid supplies and medical services available.
- B. Employees informed of medical results.
- C. Emergency procedures and training, where necessary.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated:	08/18/2007
Proposed Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007 - 07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

Citation 2 Item 2 Type of Violation: **Other**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury;

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On and before Sunday, June 3, 2007 the employer did not ensure employees were instructed in the recognition and avoidance of unsafe conditions while performing excavation work. No instruction of employees occurred regarding recognition and avoidance of unsafe conditions while performing trenching activities. This condition exposed employees to trench wall cave-in hazards.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated:	08/18/2007
Proposed Penalty:	\$ 0.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 310466693
Inspection Dates: 06/04/2007 - 07/13/2007
Issuance Date: 07/16/2007



Citation and Notification of Penalty

Company Name: Discount Drains and Plumbing
Inspection Site: 11183 Penyon Drive, Northglenn, CO 80234

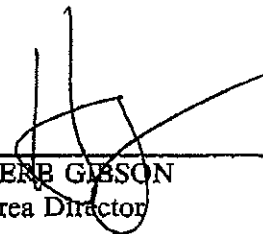
Citation 2 Item 3 Type of Violation: Other

29 CFR 1926.51(c)(2): Under temporary field conditions, provisions were not made to assure that not less than one toilet facility was available:

- (a) **Discount Drains and Plumbing, at 11183 Penyon Drive Northglenn, CO , CO 80234:** On and before Wednesday, June 6, 2007 the employer did not assure that toilet facilities were readily available at the job site. The employer had prior knowledge that this house would be disconnected from the city sewer system and made no effort to bring to the site a chemical toilet or similar device or establish procedures for use of other toilet facilities nearby.

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement-Certification Letter").

Date By Which Violation Must be Abated:	08/18/2007
Proposed Penalty:	\$ 0.00



HENE GIBSON
 Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

[main](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [Search Municipal Code](#)

CHAPTER 10
BUILDING REGULATIONS

ARTICLE 18
CONTRACTOR LICENCES

Section 10-18-1. Contractor License General Requirements.

- (a) Any contractor performing in a business involving the building, construction, alteration, remodeling, repairing, equipping, moving, or wrecking of buildings and other structures shall be licensed as a contractor, as required in this article.
- (b) Any building permit(s) issued shall be suspended if there are no current contractor licenses.
- (c) Investigation Fee: Work without a license or with an expired license. Whenever any work for which a license is required by this article is commenced without first obtaining said license, or when work is done and the license is expired, a special investigation shall be made before a license may be issued or renewed for such work and an investigation fee, in an amount equal to the license fee, shall be collected whether or not a license is then or subsequently issued. The investigation fee shall be in addition to the license fee required by this Code, and shall be as set forth in Section 10-18-3.
- (d) Workmanship. The licensee shall be held responsible for performing the activity authorized by the license in a proficient, workmanlike manner consistent with acceptable building practice; the failure to comply with this requirement shall be cause for the denial, suspension, revocation, or restriction of the license or future licenses.
- (e) Incomplete Work. In the event a structure is not pursued to completion and work is stopped for any period exceeding one hundred eighty (180) days, the licensee shall notify the Building Official in writing of such stoppage and shall take reasonable steps to protect and to prevent the structure from deteriorating to the condition of a dangerous or unsafe building.

[Source: Ord. 1467, 2007]

Section 10-18-2. Contractor Defined.

(a)

Contractor, within the meaning of this article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who:

- (1) Undertakes to build, construct, alter, remodel, repair, move, or wreck any building or structure, or any portion thereof, for which a permit from the city is required;
- (2) Holds himself or herself out to perform housemoving or the moving of buildings or structures from one location to another;
- (3) Holds himself or herself out to perform the service of wrecking a building or other structure.

(b) The following persons shall not fall within the definition of contractor:

- (1) Employees working for and under the supervision of a contractor;
- (2) Homeowners shall not be required to obtain a City Contractor's License for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own. Homeowners will be required to obtain the necessary building permits for the proposed work prior to construction.
- (3) A homeowner who constructs his or her own residence, or a building or structure accessory thereto, which is intended for his or her own personal use; however, this will be permitted at only one residence within a period of a year, or such homeowner will be deemed a contractor.
- (4) Public utility companies shall not be required to obtain the licenses described in this article when engaged in the installation, operation, and maintenance of their equipment used for the production, generation, or distribution of the utility product or service through the facilities owned or operated by the utility company to the point of consumer service.
- (5) Persons who perform work with homeowners as volunteers on projects for which a homeowner is not required to obtain a license.

[Source: Ord. 1467, 2007]

Section 10-18-2. Classification; Fees.

- (a) No person shall perform any work as a contractor within the City without having first obtained a license as provided in this article. No permits shall be issued for work to be done by a contractor who does not have a valid license as required in this article. No work shall be done during the period a permittee's license is suspended or revoked.
- (b) The following classes of contractors' license are established and the indicated fees shall be required of contractors within the City:
- (1) Class A. This class license shall entitle the holder to contract for the construction, alteration, or repair of any type of structure permitted by this article. The annual fee shall be \$150.00. A class "A" license is required for all work requiring the supervision of an architect or structural engineer. Possession of a class "A" license permits the activities authorized by class "B" or "C" license.
 - (2) Class B. This license shall entitle the holder to contract for the construction, alteration, or repair of one-family and two-family residences of two stories or less. This contractor may not contract for public buildings or places of public assembly. The aforementioned limitations shall not apply to repairs on buildings not involving structural members. The annual fee shall be \$100.00. Possession of a Class "B" license permits the activities authorized by a Class "C" license.
 - (3) Class C. This license shall be issued to those engaged in contracting for labor or for labor and material involving specialized trades, such as brick, plastering, framing, drywalling, glazing, irrigation systems, burglar alarms, swimming pools, sheds, and fence contractors. Such license may include more than one such trade carried on by the licensee. The annual fee shall be \$75.00. This license shall be issued to wrecking contractors, moving contractors, and mobile home set-up contractors. No wrecking shall be done except by a licensed wrecking contractor, except that a licensed general contractor of the Class "A" or "B" category may wreck minor buildings or remove portions of a building where such wrecking is a portion of a program of alteration or remodeling.
 - (4) Mechanical Contractor License. This license shall be issued to those engaged in contracting to erect, install or construct all mechanical systems, including hot water heating systems, air conditioning systems, refrigeration systems, or install boilers, evaporative coolers, and sheet metal work. This license shall entitle the holder to replace existing domestic water heaters and all connections thereto. Any connections to the potable water system must be

performed by licensed plumbing contractor. Line voltage electrical work must be done by a licensed electrical contractor. The annual fee shall be \$50.00.

- (5) Plumbing Contractor License. This license shall be issued to those engaged in contracting to install, alter, repair, renovate, or add to any plumbing fixtures, gas or drainage piping, water heating or treating equipment connected to a public or private potable water distribution system or any public or private sewer system, and who possess valid State of Colorado master plumber license. the annual fee shall be \$50.00.
- (6) Electrical Contractor License. This license shall be issued to those engaged in contracting to install, alter, repair, renovate, or add to electrical wiring, appliances, or apparatus for the purpose of electrical light, heat, power, or signal systems or other similar purposes within or affixed to any building or structure, and who possess valid State of Colorado Master Electrician License. There shall be no annual fee for electrical contractor license.

[Source: Ord. 1467, 2007]

Section 10-18-4. Requirements.

- (a) The Building Official shall have the authority in accordance with the terms of this article, to approve, deny, suspend, or revoke any license provided for in this article.
- (b) Examining Procedures. The Chief Building Official shall establish such reasonable examining procedures for the issuance of licenses as shall, from time to time, become necessary. These examining procedures shall be implemented so as to ensure the City that the applicant does indeed have the knowledge and capability to perform work in accordance with the regulations of the building codes, and the City shall not deny a license to any person capable and willing to perform in such fashion.
- (c) Application Form and Procedure. Applications for contractor's license shall be on such forms and shall contain such information as may be required by the Building Official. Applicants may at any time, or from time to time, be required to furnish additional information with respect to their qualifications and financial status, or other matters relating to or affecting their license, as may be deemed necessary or desirable by the Building Official or the Board of Adjustment. Failure to furnish such information within a reasonable time, or to furnish supplemental information as may be required by the Building Official or the Board of Adjustment, shall be grounds for denial or revocation of license.

(1)

Proof of state license required: every applicant for a plumbing contractor license or electrical contractor license shall be required to present with the application his or her valid state of Colorado Master Electricians' or Electrical License or a Master Plumbers' License issued by the State of Colorado.

- (d) License Without Examination. The Building Official may license, without examination, upon the payment of the required fees, applicants who are duly licensed under the laws of the State and/or Cities and/or Counties having requirements for the licensing and regulating of the plumbing trade, mechanical trade, building trade, etc., deemed by the Building Official to be equivalent to the requirements of this Building Code and this State.

[Source: Ord. 1467, 2007]

Section 10-18-5. Qualified Supervisors.

- (a) When Required. The respective licensees, whether individuals, firms or corporations, shall not be required to possess those skills and qualifying experience records required for the work they are permitted to do under the terms and provisions of their respective licenses, provided that they retain in their business a supervisor whose skills and qualifying experience records are such that he would be qualified to supervise all work in his principal's license category. The respective licensees' rights to do business shall be dependent upon the continued retention of the designated supervisors in active, full-time capacity.
- (b) Termination of Supervisor. Whenever a designated supervisor terminates his association with a licensee or otherwise becomes inactive, the licensee shall immediately notify the building department. In such event, the license shall be deemed to be suspended and there shall be a thirty (30) day grace period from the date of termination of the supervisor in order to acquire a proper supervisor before complete termination of the license. Should the supervisor be replaced, such fact shall be made known to the Building department. If the proposed replacement is found to meet the required qualifications, the license shall again be deemed in full force and effect without imposition of an additional license fee for the license period.
- (c) Qualifications of Supervisor. Each individual who is to act as a supervisor shall be reviewed in accordance with the qualifications required by the building official for the work proposed to be done. Each individual who is to act as a supervisor shall be designated as such in each application for a license.

[Source: Ord. 1467, 2007]

Section 10-18-6. Classification Upgrading.

- (a) Licensees wishing to upgrade their license to a higher classification must submit a new application and the total fee for the new classification, subject to proration as set forth in Section 10-18-8. No credit shall accrue toward the new classification fee for the unused term of the original license.

[Source: Ord. 1467, 2007]

Section 10-18-7. Expiration and Renewal.

- (a) All licenses required under this article shall be valid for the current year of issuance, and all such licenses shall expire on December 31st of each year.
- (b) The fee for the renewal of a license shall be the same as the fee for issuing such license as set forth in Section 10-18-3.

[Source: Ord. 1467, 2007]

Section 10-18-8. Fees; No refund.

- (a) The applicable license fee, as set forth in Section 10-8-3(b), shall be prorated on a quarterly basis as follows:

application date	filing fee
January 1 to March 31	100%
April 1 to June 30	75%
July 1 to September 30	50%
October 1 to December 31	25%

The investigation fee set forth in Section 10-18-1(c) shall not be prorated.

- (b) License fees shall not be refunded. However, any fee paid by an applicant who is denied a license shall be refunded.

[Source: Ord. 1467, 2007]

Section 10-18-9. Validity.

- (a) A change of name, business designation, or address must be reported to the

building inspection office within ten (10) days after making such a change. Failure of the licensee to report such change within the time limit shall cause the license to expire by force of law and become invalid at the expiration of the ten (10) day period.

- (b) Incorporation or change in incorporation creating a new legal entity shall require a new license for such entity, even though one or more stockholders or directors have a license.
- (c) The organization of a partnership or the change in a partnership creating a new legal entity shall require a new license, even though one or more of the partners are licensed.
- (d) The dissolution of a corporation or partnership which has been licensed terminates the license and no individual or firm may operate under such license.
- (e) Licenses are not transferable.

[Source: Ord. 1467, 2007]

Section 10-18-10. Licensee Responsibility.

- (a) All licensees shall be responsible for work requiring a permit under the provisions of this Article, without limitation, and for the items listed in this Section:
 - (1) To report in writing to the Building Official any accident occurring in any construction or undertaking which has resulted in lost time, injury, or death to any person, or damage to any building or structure within seventy-two hours after such accident;
 - (2) To provide minimum safety measures and equipment to protect workmen and the public, as prescribed by this Article;
 - (3) To observe any other City ordinances prescribing measures for the safety of workmen and of the public;
 - (4) To present his or her license card when requested by the Building Official or his or her authorized representative;
 - (5) To employ a qualified supervisor and to provide the name of such supervisor on the permit inspection card;
 - (6) To obtain a permit when the same is required;

- (7) Provide honest and factual information on all applications for permits;
- (8) To faithfully construct, without substantial departure from or disregard of drawings and specifications, when such drawings and specifications have been filed and approved by the Building Official and a permit issued for same, unless such changes are approved by the Building Official;
- (9) To complete all work authorized on the permit issued under the authority of this article, unless good cause is shown;
- (10) To obtain inspection services when the same are required by this Article;
- (11) To faithfully conform to the requirements of the special inspection program as prescribed by Article 17 of the International Building Code, when required;
- (12) To pay any fee assessed under authority of this Article;
- (13) To obey any order issued under authority of this Article;
- (14) To provide toilet facilities prior to and during construction or demolition;
- (15) To obtain a certificate of occupancy, when required, upon completion of the work authorized by the licensee's permit;
- (16) To keep streets and sidewalks that are adjacent to construction-sites and open to the public traffic free of obstructions, construction materials, equipment, debris, mud, dirt or any other material that may be a hindrance or hazard to vehicular or pedestrian traffic;
- (17) To observe and conform to all of the rules and regulations governing construction and land use in the City.

[Source: Ord. 1467, 2007]

Section 10-18-11. Suspension, Revocation, or Denial.

- (a) The Building Official may suspend, revoke, or deny a license when the licensee or applicant, including partners of a partnership, members of a joint venture, or officers, directors, or holders of ten percent or more of the stock of a corporate licensee or applicant, is responsible for one or more of the following acts or omissions:

- (1) Failure to comply with any of the licensee responsibilities, as outlined in Section 10-18-10, if such failure is not corrected within ten (10) days of written notification of such failure by the Building Official;
 - (2) Knowingly combining or conspiring with any other person to permit or allow the licensee's license to be used by such other person;
 - (3) By acting as principal agent, partner, associate, or in any other capacity with persons, to evade any provisions of this article;
 - (4) Violation of any provision of this Article, Chapter 5-3 of the Northglenn Municipal Code, or any violation of the laws of the United States, the State of Colorado, or the ordinances of the City having any bearing upon or relation to the work or services performed under the license, or ability to perform the work or services under the license, if such violation is not corrected within ten (10) days of being notified of such failure by the Building Official;
 - (5) Any conduct constituting fraud or misrepresentation in or connected with any activity or activities relating to building, or which are licensed or governed by this Article.
 - (6) Failure to keep and maintain necessary State License.
- (b) With regard to the acts or omissions listed in Section 10-18-11(a):
- (1) The first act or omission during a term of a license issued under this Article shall cause the license to be suspended for a period of twenty (20) days.
 - (2) The second act or omission during a term of a license issued under this Article shall cause the license to be suspended for a period of forty (40) days.
 - (3) The third act or omission during the term of a license issued under this Article shall cause the license to be revoked.
 - (4) Three or more acts or omissions during the preceding year shall be cause for the denial of a license.

[Source: Ord. 1467, 2007]

Section 10-18-12. Suspension, Revocation, or Denial Procedures.

- (a) When any of the acts or omissions as enumerated in Section 10-18-11 are

committed by a licensee and the Building Official deems that such license would be suspended, revoked, or denied, the procedure shall be as follows:

- (1) The licensee shall be notified, in writing, by certified mail, mailed to the licensee's address of record with the Building Official, at least ten (10) days prior to suspension, revocation, or denial.
- (2) Upon receipt of the notice, the licensee may request a hearing. Such request shall be in writing to the Building Official within ten (10) days of mailing of the notice.
- (3) If a hearing is requested by the licensee, in writing, within the time limit designated above, the Building Official shall set a time, date, and place for the hearing within five days of receipt of the request for a hearing, and so notify the licensee.
- (4) When a hearing is conducted, the licensee and other interested parties may be in attendance. Upon completion of the hearing, the Building Official may take all the evidence admitted under advisement, and shall within ten (10) days, notify the licensee of his or her findings and ruling, in writing, by certified mail. No suspension or revocation shall be effective while the matter is under advisement, except for emergency suspensions under section 10-18-14.
- (5) If the decision rendered by the Building Official is adverse to the licensee, the licensee may appeal to the Board of Adjustment as an "aggrieved" person, and shall file an application for review by the Board of Adjustment within thirty (30) days after mailing of notice of the ruling of the Building Official.

[Source: Ord. 1467, 2007]

Section 10-18-13. Board of Adjustment; Hearing and Review Duties.

- (a) Appeals to the Board of Adjustment shall be in accordance with the provisions of Section 11-42 of the Northglenn Municipal Code.
- (b) The Board of Adjustment may, after a full hearing on the charges, suspend any license or registration for a period not to exceed sixty (60) days. The Board of Adjustment may also recommend to City Council that the license in question be suspended for more than sixty (60) days or that the license be revoked. The City Council, after a full hearing on the charges, may revoke or suspend any license or registration issued pursuant to this article.

[Source: Ord. 1467, 2007]

Section 10-18-14. Emergency Suspension.

- (a) If the Building Official finds that emergency cause exists for suspension or revocation of a license, he or she may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation, as provided in this Article. The licensee may, upon notice of such suspension, request an immediate hearing before the Building Official. The procedure shall thereafter be as provided in this Article.

[Source: Ord. 1467, 2007]

Section 10-18-15. Denial or Revocation; Reapplication.

- (a) If a license is denied or revoked by the Building Official, and in case of an appeal, if the denial or revocation has been affirmed by the Board of Adjustment, the applicant may reapply, but not sooner than ninety (90) days after the denial or revocation, or in the case of an appeal, ninety (90) days after the order of the Board of Adjustment affirming the denial or revocation.

[Source: Ord. 1467, 2007]

Section 10-18-16. Transitional Provisions.

- (a) Except as otherwise expressly provided herein, the Building Code shall not be construed to require the duplication or reissuance of any license within the same calendar year, the duplication of any examination or the duplication of any payment of any license fee for a particular grade of license within the same calendar year. All persons in the building and construction industries licensed as of the effective date of the ordinance from which this Section derives under former codes and ordinances shall be deemed to be appropriately licensed under this Article. Any such licensee under a former code or ordinance who fails to reapply for a license at the conclusion of the calendar year shall surrender the license, and the license shall be deemed to be null and void.

[Source: Ord. 1467, 2007]

Section 10-18-17. Violations.

- (a) It shall be unlawful for any person to violate any of the provisions of this ordinance.
- (b) Any violation of the provisions of this ordinance shall, upon conviction, be

punishable as provided in Section 1-1-10(a)(2) of this Code.

[Source: Ord. 1467, 2007]

Section 10-18-18. Severability Clause.

- (a) If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

[Source: Ord. 1467, 2007]

Section 10-18-19. Safety Clause.

- (a) The City Council hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety and welfare.

[Source: Ord. 1467, 2007]

Section 10-18-20. Conflicts.

- (a) If the provisions of this Article conflict with any other provisions of the Municipal Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

[Source: Ord. 1467, 2007]

Section 10-18-21. Effective Date.

- (a) This ordinance shall become effective January 1, 2007.

[Source: Ord. 1467, 2007]

ANNOTATED
NORTHGLENN BOARD OF ADJUSTMENT
September 18, 2007
Meeting Minutes

Call to Order

The meeting of the Northglenn Board of Adjustment was called to order by Terry Ketelsen, Chairperson, at 7:03 p.m., September 18, 2007, at Northglenn City Hall, City Council Chambers, 11701 Community Center Drive, Northglenn, Colorado.

Roll Call

Present: Chairman Ketelsen, Vice-Chair Donelson, Tommy Follet (alternate), Jim Johnson, Mary Peery, Gene Wieneke, and Terry Wadding (alternate)

Absent: None

Staff Present: Travis Reynolds, Shannon Turk, Rick Davis, Wendy Smith

Attorney: Hillary Graham of Hayes, Phillips, Hoffmann & Carberry, P.C

Chairperson Ketelsen explained the voting procedure and appeal system according to the Northglenn Municipal Code. There was discussion regarding the voting status of the alternate members. Since there was a full Board, the alternate would not vote. It was decided that Terry Wadding would be the voting alternate when necessary.

Approval of Minutes

There was a motion and a second to approve the minutes of June 19, 2007 as written. The vote was 5-0 to approve.

Public Hearing(s)

Case V-1-07: Variance Request for a 100' Communication Tower – North Metro Fire Rescue District, 1006 Weld County Road 11

The public hearing of Case V-1-07 was opened by the Chair

Vice-Chair Donelson declared the file complete and in order.

Shannon Turk, Planner, read the staff report and recommendation to the Board.

Dave Anderson, Division Chief of Training, North Metro Fire Rescue came forward, was sworn in, and gave testimony regarding the need of the variance.

Questions included but were not limited to the height of Bull Reservoir, where the antenna would be located on the proposed tower, whether the tower would be used for commercial cell phones, as well as the dimensions of the tower.

No one else came forward in favor or opposition of the variance request, and the public portion of the meeting was closed.

The Board then opened for discussion. The discussion included concern regarding future commercial antenna being added to the tower.

Motion: Secretary Wieneke moved that in as much as the applicant has demonstrated a public purpose that fits section 11-42-6(b) a variance is hereby granted to the applicant for a 100' tower for the exclusive use of the applicant. There was a second. There was discussion with Hillary Graham who explained that the Board should make specific findings detailed in 11-42-6(b) that justifies the use of the 'public purpose' variance. There was an amendment to the motion to insert "subsections 1 and 2" after 11-42-6(b) in the motion. There was a second to the amendment of the motion.

There was no further discussion by the Board. The amended motion was read back, roll was called: Ketelsen-yes, Donelson-yes, Johnson-yes, Peery-yes, Wieneke-yes. The Chairman declared the motion passed.

Chairman Ketelsen informed the applicant that the variance had been approved and that no action may be taken for 10 days due to the right of appeal.

Public Hearing cont. Case A-4-07: Emergency Suspension of a Contractor's License

The public hearing for Case A-4-07 was opened by the Chair.

Vice-Chair Donelson noted the record was in order.

City Chief Building Official Rick Davis came forward, was sworn in, and began reading the staff report. Hillary Graham of the City Attorney's office interrupted and stated that the City was prepared to enter into a stipulation with the licensee. Chairman Ketelsen asked Ms. Graham to advise the Board of the protocol of going forward with the agreement being put in place. Mr. Avila, attorney for the applicant, came forward. Ms. Graham explained that the Board may enter a 60-day suspension, but anything more would need to go to City Council. The proposed stipulation is that the licensee agrees to a 60-day suspension and a full hearing before the City Council, at which time Council could suspend additionally or revoke the license with no findings by the Board of Adjustment. The Board would impose a 60-day suspension and City Council has the opportunity to fully review the appeal at a full hearing. This eliminates the need for the hearing this evening since the applicant stipulates to a 60 day suspension. Secretary Wieneke asked when the 60-day suspension would begin; Ms. Graham stated that the suspension would be "going forward".

Motion: There was a motion by Mr. Johnson to approve the stipulation and to move this forward to City Council for further review. There was a second.

Chairman Ketelsen asked for discussion. There being none, roll was called: Ketelsen-yes, Donelson-yes, Johnson-yes, Peery-yes, Wieneke-yes. The Chairman declared the motion passed.

Communications None

**Staff and
Committee Reports**

Travis Reynolds and Shannon Turk gave an update on upcoming and ongoing developments within the City including but not limited to Vitamin Cottage, the 120th Avenue development, rezoning for Mercury Car Wash at 2295 E. 120th, as well as NAPA Auto Parts.

Old Business **CR-68 Reappointment of Annette Donelson until 7/26/07.** Chairman Ketelsen congratulated Ms. Donelson on her three (3) year reappointment. Chairman Ketelsen welcomed Terry Wadding to the Board.

New Business **Discussion of proposed Rules and Procedures amendments:** Secretary Wieneke spoke regarding his suggested amendments. The Board would like the Clerk to incorporate Mr. Wieneke's suggestions into the current document and email to the members for review.

Miscellaneous None

Adjournment 7:43 p.m.

Submitted by:

Approved By:

Wendy Smith Clerk
Board of Adjustment

Date

Gene Wieneke, Secretary
Board of Adjustment

Date

CITY COUNCIL, CITY OF NORTHGLENN

Address: 11701 Community Center Drive, P.O.
Box 330061, Northglenn, CO 80233

Petitioner: CITY MANAGER

v.

Respondent: DISCOUNT DRAINS & PLUMBING

NOTICE OF APPLICATION FOR REVIEW

The City Manager of the City of Northglenn, hereby files this Notice of Application (“Notice”) for Review with the Northglenn City Council pursuant to Section 11-42-8 of the Northglenn Municipal Code (the “Code”) and states as follows:

1. On September 18, 2007, the Northglenn Board of Adjustment (“BOA”) heard an appeal filed by Discount Drains & Plumbing, 12990 Uinta St., Thornton, CO 80602-8460 (“Respondent”), in which Respondent appealed the suspension of Respondent’s City contractor’s license.

2. At the hearing, the BOA approved a stipulation entered into between the City and Respondent under which the Respondent agreed that Respondent would accept a sixty (60) day suspension of Respondent’s license, beginning on September 18, 2007. Further, Respondent understood that the City Manager would request the City Council to impose an additional time period of suspension or to fully revoke Respondent’s contractor’s license.

3. Pursuant to Section 10-18-13(b) of the Code, the BOA only has the authority to suspend a contractor’s license for a maximum of sixty (60) days. Any further suspension or revocation of a contractor’s license may only be ordered by the City Council. Code § 10-18-13(b).

4. The City Manager therefore files this Notice to request that the City Council revoke Respondent’s contractor’s license, due to the egregious nature of the violations for which Respondent was cited. The details of the violations are set forth in the Staff Report attached hereto as **Exhibit A**, which was prepared by Rick Davis, the City’s Chief Building Official.

WHEREFORE, the City Manager respectfully requests that the City Council grant the application for review, set a hearing on the matter, and after such hearing revoke Respondent’s City contractor license.

DATED this 24 day of September, 2007.

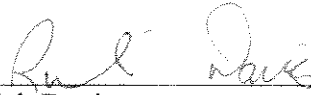
Respectfully, submitted

By: 
A.J. Knieger, City Manager

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the __ day of September, 2007, a true and correct copy of the within NOTICE OF APPLICATION FOR REVIEW was sent to the following, certified, return receipt, postage prepaid, by first-class United States mail:

Nick Avila
3031 W. 38th Ave.
Denver, CO 80211-2001



Rick Davis
Chief Building Official

CERTIFIED MAIL



7006 2760 0004 4238 7563
7006 2760 0004 4238 7563

1-2001

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

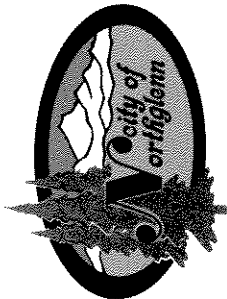
Postmark
Here

Sent To

NICK AVILA
Street, Apt. No.,
or PO Box No. 3031 W 38th AVE
City, State, ZIP+4 DENVER CO 80211-2001

PS Form 3800, August 2006

See Reverse for Instructions



City of Arifigloam
1234 Main St
Arifigloam, CA 90001
555-555-1234

PLEASE STICKENAT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

NICK AVILA
3031 W 38TH AVE
DENVER CO 80211-2001

7006 2760 0004 4238 7563

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- COD
- Certified
- Insured

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Certified Mail

- A mailing receipt
- A unique identifier
- A record of delivery

Important Remind

- Certified Mail must be paid for.
- NO INSURANCE on valuables, please.
- For an additional delivery. To obtain Receipt (PS Form 3811), a duplicate return is required.
- For an additior addressee's autf endorsement "R".
- If a postmark on cle at the post receipt is not ne

IMPORTANT: Sav
PS Form 3800, August

Thank you for using Return Receipt Service.