

Observation deck didn't observe the rules

Trouble is mounting for the shabbily built treehouse in Lions Park.

Touted as a four-level "observation deck" by city officials - and praised by those closest to the construction - inspections are beginning to bear out what Jim Mathewson has written in the Cheyenne Herald and what the letter writer from page one charged.

An inspection was done on June 22, 2005. Ostensibly to check out the steps and confirm that Jack Spiker's minister and best friend, as well as his church's associate pastor, were capable carpenters and that the work they did was praiseworthy. The Herald disclosed that they were paid carpenters on the job. Their work did not pass muster, however.

The inspection "**DISAPPROVED**" the steps, with the comment "**FINISH STAIRS / STEPS NEED TO HAVE 11" RUN.**"

An attempt by the Herald to get close enough to measure the steps' runs (the tread of a step where the foot comes down) was thwarted because the city extended the snow fence around the structure and encircled the area with "crime scene" tape beyond that. Just to insure no close-up visual inspection, **NO TRESPASSING** signs are also present.

Several apparent violations of the city's own rules and regulations have been spotted by a review of the files.

Beginning with a letter dated February 28, 2005, from the project manager of The Pointe subdivision, in which he wrote that his company "... is authorizing the use of our contractor's license for the construction of the tree house at the Urban Forestry Department." He also promised that, "I will be donating my time to oversee the construction of the project."

No one who has looked close at the nearly completed treehouse will believe that any qualified professional actually oversaw the project.

On page 9 of the **CITY OF CHEYENNE CONTRACTOR LICENSING REGULATIONS**, Section 5.4 states: "Unlawful use of License to Obtain Permit is Prohibited. No person holding a license under these regulations shall, either directly or indirectly, allow his/her license to be used for the purpose of obtaining a permit for any other person."

The **PERMIT APPLICATION** indicated that the City of Cheyenne is **OWNER** and that the **CONTRACTOR** is "donations."

Try that at home, kids.

A resident could no more gain approval for a permit to build something by listing "donations" as the contractor than they could by hiring a real contractor without a license or liability insurance.

Why isn't the contractor for this project

shown to be Guardian Companies LLC, the one who had offered use of their contractor's license, albeit apparently illegally? What are rules among friends?

A comment in a second letter (also dated 2/28/05) from The Pointe project manager to Lisa Olson, a city employee, also offers to "donate my time," but says: "We would need to get commitments from people who wish to help. It would be helpful to know if they have experience."

A Doctorate in Theology is probably not what he meant.

When the chief building Official for the City of Cheyenne visited the site on Thursday, June 23rd, the day after an inspector of his had disapproved the steps and the same day he and Dave Featherly of the Cheyenne Herald had had a lengthy discussion of the structure, he could tell from a distance that the "pickets" (the rails running vertically all around every deck), would have to be replaced and a better job of fastening them to the platform itself would have to be used.

What had been presented to the public as this perfect construction is anything but perfect. Quite the contrary.

On Friday, June 24th, Dave Featherly (again) and Jim Mathewson met with the Chief Building Official to get his input from his visit and to share with him multiple pictures Mathewson had taken of the treehouse. A great many more imperfections were noted - some may just be cosmetically unacceptable but some may be violations of the building codes. That will be up to further inspections to determine.

Drawings done by Rande Pouppirt for the pickets call for them to be 5 1/4" OC. (OC is construction talk for "on center").

The pickets were placed at every spacing from probably 3" to perhaps 6". An inspection will be made to determine whether a 4" sphere can be put through the openings - if it can, it is a violation. If it cannot, it's not a code violation even with pickets placed at diagonals to each other. They just look like hell.

Once the pickets are replaced with more appropriate and safer lumber, a resistance test will be conducted to insure that those 2" x 2" rails can withstand 250# of pressure against them without breaking or giving way for someone to fall through.

The Chief Building Official assured the Herald that such testing will be done.

It is also highly questionable whether clergymen can act as contractors under a professional services arrangement with the City. To construct something as high profile and potentially dangerous as this treehouse with unidentified laborers or craftsmen will mean that no one has liability if lawsuits are ever necessary for injuries suffered.

Had a contractor actually built it or been shown on the permit as the contractor, his liability insurance would have covered those injuries. If injuries occur later under these circumstances, the city will claim governmental immunity as they always do when they are fault and then hide behind that protection.

For the Contractor Licensing Board to be fully aware of what has happened out at Lions Park and remain mute is unacceptable. If a resident had built the identical structure for use at a preschool or daycare business, construction would have been "red flagged," or the treehouse torn down. That should happen here so children don't get hurt. Ours or visitors.

The ministers and unqualified city employees should never have been handed a hammer - they obviously weren't handed a tape measure. Those compensated for their work are "contractors" by code definition and should have been licensed or employed by one who is.

The project will now have to be substantially dismantled and, instead of accepting the responsibility and learning a lesson from their mistakes and misdeeds, the mayor and city council will only try to tighten access to public projects so the Cheyenne Herald and concerned citizens can't get near enough to detect the shortcomings and code violations.

But, they're just not smart enough to do that and, so long as concerned residents keep contacting the Herald, we will report to the public about man-made disasters like this treehouse.

From Contractor Licensing Regulations:

2.0 (f.) "Contractor". Any person ... who undertakes, for compensation, any construction ... on any building or structure. The work includes, but is not limited to, any building or structure that is erected, constructed ...

5.1 Permit required. No person may perform any work described in these regulations, the building or related codes or in the City Code, without first securing a permit from the Building Official.

5.2 Permit issuance. The Building Official shall issue a permit only to the following:
5.2.1 A properly licensed contractor.
5.2.2 The owner of a home he occupies
5.2.3 Owner of a commercial building

5.2.2 and 5.2.3 are paraphrased from regs. But, there is no provision to issue a permit to "donations" which was done by the city.

You think you've had lousy vacations?

The 2004-2005 NHL season was cancelled. No hockey at that level has been played for a year.

But if you think your week in the Bahamas when it rained every single day was a lousy vacation, consider what happened to Brian Sutter.

Brian is one of six Sutter brothers who played at one time or another in the National Hockey League. While none were outstanding or flashy, all were workmen and came to play every game.

For an incredible 25 consecutive years, one of the Sutter brothers played in the NHL. For five years, all six were in the league. Brian Sutter is the oldest of the six brothers who played in the NHL.

Brian played for the St. Louis Blues and was captain of the team for 12 straight seasons. He and two of his younger brothers (Darryl and Duane) have been NHL head coaches. The three have coached eight different NHL teams, with Brian being head coach of the Chicago Blackhawks when the owners lockout took place last season.

He has also been head coach for the St. Louis Blues, Boston Bruins and Calgary Flames. He has been NHL "Coach of the Year" and runner-up. A couple weeks ago, the Blackhawks hired longtime broadcaster Dale Tallon to be their new GM. His first act? He fired Brian Sutter as coach. Sutter couldn't have done anything wrong - there were no games. So, what's been YOUR lousiest vacation?

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!o! Dave Featherly

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