

WATERVILLE CITY COUNCIL
WORK SESSION/SPECIAL COUNCIL MEETING
April 21, 2016, 6:00 P.M.

There was a work session/special meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on April 21, 2016.

Present: Vail, Schmidtke, McIntyre and Mayor Mihalik

Absent: Wollin

Also Present: Administrator/Clerk Teresa Hill and Dan Murphy

Also Absent: None

- 1. Call to Order.** Mayor Mihalik called the meeting to order at 6:00 p.m., noting that all Council members were present, except Wollin. Also present were Teresa Hill, Administrator/Clerk and Dan Murphy. Pledge of Allegiance was recited.
- 2. Approval of Agenda.** Motion by Mihalik, seconded by Vail to approve the agenda. Unanimous vote. Motion carried.
- 3. State Building Code Work Session.** Mr. Dan Murphy was present at the work session to answer questions Council members may have. Mr. Schmidtke said there are concerns regarding the time frame for the inspection if the inspector is late. Mr. Murphy said sometimes an inspection may run longer than anticipated and he could run late. Mr. Murphy said the most key, time-sensitive are footing inspections or when a plumber is waiting for the rough in air test. Mr. Murphy said those inspections he tries to be right on time because there is more money involved with a plumber waiting for a five minute test. Mr. Murphy said with concrete if he is familiar with the soils in the area he will work with the contractor if rain is coming in and they want to pour early he would say go ahead and for them to take a picture and he will inspect after they pour. Mr. Murphy said it does happen but he tries to avoid it as much as possible. Mr. Schmidtke discussed a licensed contractors asking people to pay up front and then doesn't do the job. Mr. Schmidtke said licensed contractors are still not going to protect the property owners. Mr. Murphy said consumer protection can only go so far. Mr. Murphy discussed a similar case where a contractor gave a free estimate and had the homeowner sign the estimate and it would be the contract. Mr. Murphy said he forwarded that to the department of commerce. Mayor Mihalik said you will get that with or without the state building code. You will have people who will prey on the vulnerable and take advantage of situations. Mr. Schmidtke said that there is a three day rescission period. Discussion regarding the storm damage that was done in the City of Waterville and the contractors that merged into the City. Mr. Murphy suggested that the City have a list of licensed contractors. Mr. Schmidtke said it is up to the individuals to do the background checks on who they hire to do their work. Mr. Murphy said he can only check whether a contractor is current on his license and whether or not there are enforcement actions outstanding. Mr. Schmidtke said the state building code is by itself, it is still up to the owner to do a background and to know what he is doing and if he does not he should talk to somebody that can help him look through it. You need to know if you are getting good quality materials. Mr. Murphy said the state building code will give you a minimum standard of materials and installation. Mr. Murphy said it is still up to the owner of where they get their supplies as long as it meets the code. Ms. Vail said to Mr. Murphy if we did not go with the state building code and there are individuals who would like to have an inspector come out would you do that and what prices would you have for something like that. Are they similar to what a City would charge? Mr. Murphy said that he has been hired to do inspections where a company offers a home warranty. The home warranty is contingent upon inspections by the state building code. He

charges \$65.00 an hour. Mayor Mihalik said one of the questions that was discussed at the public hearing and discussed by Council was when somebody has their plans drawn up do they have to be engineer plans or can they be penciled on paper. Mr. Murphy said decks can be put on a piece of paper. Mr. Murphy said engineering or architectural designs are only required if there are some structural stuff going on. Soils are a big variable for new home construction. Mr. McIntyre asked if he could use a Menards floor plan. Mr. Murphy said yes he does accept that. If there is additional information he would need he would work with the homeowner or the contractor. Mayor Mihalik asked what are the most common problems Mr. Murphy would identify and what is the benefit or recourse to the homeowner for having the inspection done. Mr. Murphy said a lot of code related issues at the plan review such as header beam sizes over windows and doors. Mr. Murphy said he tries to get as much information at the beginning to avoid some of the inspection things that might fail. Mr. Murphy discussed some incidents that he has ran across during his inspections. The benefit to the homeowner would be catching that in the field so that there are no problems. Mayor Mihalik asked about general repairs such as hot water heaters. Mr. Murphy said water heaters have gotten a lot better with the new technology. Some of the things he does see is the over pressure valve or the T and T valve should be piped within 12 inches to the floor so if it overheats and pressures it shoots all the steam and hot water on the floor instead of out at you. Most of the HVAC contractors are really good. They cannot wire it up themselves and an electrical inspection is done. Mayor Mihalik asked if Mr. Murphy sees a difference in cities that have had the state building code versus cities that are just implementing the state building code. Mr. Murphy said St. Clair would be the most recent community that has adopted the building code, it has had it for four years. Usually it is stuff that you run into when somebody is remodeling where they get into some structural stuff where there might be weak walls. Mr. Murphy gave examples of some items that come up with inspections. Mayor Mihalik said another question that came up from one of the residents is if Mr. Murphy is coming out to do an inspection of a hot water heater and while you are doing that the thought was that you would have the ability to start inspecting whatever you wanted to because you are the inspector and on site, true or false. Mr. Murphy said a little bit of both. The water heater brings him inside and then if he sees something that is only a life, health, safety issue, whether it is a beam in a basement that is failing, a foundation wall that is starting to give in, just the safety stuff. Whether there is smoke detectors or egress windows or hand rail at the stairs that is an existing home so he doesn't enforce current building code in an existing home unless the permitted project, such as the water heater that would have to be code. Mayor Mihalik said as an inspector you don't have an obligation to look at those things, it is not that you are purposely looking for things, it is if you happen to see it. Mr. Murphy said exactly if he happens to see it. Liability wise, City wise, his license wise if he notices there is a major health safety issue then he has to legally report and deal with it. Mayor Mihalik said that another concern was that the inspector would have the right to inspect your well and septic system to make sure that it is operating properly. Mr. Murphy said no, he is not licensed for septic or well. Le Sueur County handles that. Mr. Schmidtke said the school referendum went through so there will be a lot of construction. If we adopt the state building code the school will have to adopt to that too any improvements like windows. Mr. Murphy said the school is a state licensed facility so technically anything that involves a building permit they have to go through the state department of labor and industry and they would be in charge of the permit and inspections. Mr. Schmidtke asked if building plans have to be done by a licensed engineer. Mr. Murphy said the building code gives him full authority to request on a deck if he saw need for it, but it is not something he would do. Commercial is based off of square footage, up to 2,500 square feet can be remodeled or reconstructed or built without an architect or engineer. Anything over the 2,500 square feet would kick into full architectural or engineering. Mr. Murphy said if he sees something that is questionable then he would say maybe an engineer should design it. This typically happens with

floors and roofs. Mayor Mihalik said let's say the City adopted the enforcement of the state building code and after a year can we ask how many inspections were done and how many flaws were found. Mayor Mihalik asked if Mr. Murphy could provide the information requested by the Council. Can the City choose not to enforce the state building code if it was found that there is no benefit? Mr. Murphy said that he would have to check to see if once you enforce the state building code you can't get rid of it. Mayor Mihalik asked Ms. Hill to check with Mr. Moran on whether the City can choose not to enforce the state building code once it is enforced. Mr. McIntyre said that if Mr. Murphy did 80 inspections and only found 3 infractions wouldn't it mean that the enforcement of the state building code is working. That the contractors are following the right procedures and getting things done right. Mr. Murphy said like the enforcing the building code would be a deterrent. Mr. Schmidtke said that it boils down to the person to do their research on everything. Mr. Schmidtke said all contractors' licensed or unlicensed build to the state building code. Mr. Schmidtke said if a water heater is installed and three years down the road it fails but it is covered under warranty would that need to be re-inspected after installation. Mr. Murphy said by code yes it would have to be. Mayor Mihalik said another question from residents is if they wanted to replace their own toilet or faucet would that have to be inspected. Mr. Murphy if you go by the written law if you replace a toilet you are altering the waste and the water line coming in you should have it inspected. However he has never had a permit for a toilet replacement or a faucet replacement. Mr. Schmidtke asked if he would put 10 windows in would it be \$55 per window or \$55 to check them all. Mr. Murphy said it would be a flat fee of \$55. Mr. Murphy went through a permit application for a new home and discussed the building inspector fees that would be charged. Mr. Murphy said the permit fee and plan check fee is negotiable with the City. Mayor Mihalik asked what kind of safeguards after the inspection does a homeowner get. Mr. Murphy said under the building code and through licensing and the department of commerce they have a one, three, ten, the first year the building code can get involved if there is major settling or sheet rock cracks. Appliances if a water heater or furnace doesn't make a year they will replace that whether it is under warranty or not. The three year deals with exterior stuff such as windows and shingles. There is a ten year structural such as if the foundation settles out or your foundation cracks and water comes in, or the roof sags or a beam gives in or floor joists or floor truss snaps that would be a structural warranty where the builder would have to come back and repair that at no cost to the homeowner. Mayor Mihalik asked if they get that without an inspection of the state building code. Mr. Murphy said no. Mr. Schmidtke said if they are a licensed contractor is it covered under some stipulations. Mr. Murphy said he does not know, if you are a licensed contractor you pay money into the state for the contractor's recovery fund. If a contractor went out of business or just doesn't deal with it there is money available at the state for the homeowner's access to repair. He does not know if that is only in enforced building code areas. Mayor Mihalik asked that Mr. Murphy find out and get that information to Ms. Hill before the May meeting. Mr. Murphy is the building inspector for the City of Elysian, Le Sueur, Waseca, Janesville, Eagle Lake, Madison Lake, St. Clair, New Richland, and Claremont. Ms. Vail said in cities over 2,500 population it is automatic that they have to adopt the state building code. Mr. Murphy is a contracted service. Mr. Verschoor asked if he has to be licensed by the state. Mr. Murphy said yes. Ms. Grobe asked if the cities that Mr. Murphy contracts with have a lot of new developments. Mr. Murphy went through the cities that he contracts with and discussed the type of inspections he does. Discussion regarding mold issues in homes.

4. Adjourn. Motion by Mihalik, seconded by Vail to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:50 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk