



CITY OF KALAMA

Recommendation to Kalama City Council

Subject: Colleen Neel Refund Request for Mechanical Permits at 324 Birchwood Drive

Kalama City Councilors:

I regret this issue has come before you. Clearly there are some gaps in our customer service related to Ms. Neel's mechanical permitting and scheduling/performance of inspections at Ms. Neel's residence. I apologize to Ms. Neel and would like to resolve what I understand is the one remaining "open" permit for her furnace installed by Milwaukie Heating during September of 2017. While the City staff and consultants have inconvenienced Ms. Neel, poor customer service does not absolve her of the responsibility for compliance with Kalama Municipal Code and/or the State International Building Code as adopted by the City (KMC14.04).

Permitting and successful compliance/completion of the permit requirements create, "...conditions essential to ensure that structures are safe, sanitary and fit for occupation and use...". A licensed building contractor may act as the property owner's agent when applying for and satisfying a building permit. Both of Ms. Neel's permits were obtained by the mechanical contractor on her behalf. Generally, contractors are required by clients to complete work and obtain a passing inspection for the work from the building official/building inspector. As I understand, standard practice is for property owners to retain final payment until the permit and inspection requirements are satisfied by their contractor/agent. This retainage provides leverage for the homeowner to ensure work is satisfactorily completed to meet health-life-safety standards. A property owner may choose to pay the contractor in full at the time the physical work is complete, but prior to inspection. While legal, the release of leverage over the contractor (through final payment) prior to final inspection results in the property owner being solely responsible for the satisfaction of building permit and the quality of the work performed.

As I understand the facts and actions of city staff/consultants, the permit filed by Entek for an air conditioner July of 2018 has been inspected (through the fence, as access was not granted) and the permit is now satisfied. The September 2017 permit, requested by Milwaukie Heating on Ms. Neel's behalf, is still unsatisfied and is now technically expired. Valid/open building permits lapse after 180 days if inspection does not occur. It is the city's desire to satisfy the 2017 permit through final inspection.

Failure to comply with the building codes as adopted by the City of Kalama is a misdemeanor (KMC14.04.020(section 114.1)). Additionally, without final inspection the furnace installation is not complete and the building official may exercise authority to remove the occupancy status of the residence. KPD with the building department may then post the building "Do Not Enter or No

Occupancy and Kalama Public Works may then board-up the structure. Anyone found violating the No Occupancy Order may be removed and arrested for trespass.

I do not recommend that occupancy at 324 Birchwood should be revoked, nor do I think Ms. Neel should be arrested for misdemeanor offence of failing to comply with KMC14.04. I do think it is important for Ms. Neel to recognize it is her responsibility to permit and successfully satisfy the permit for the work as required by city/state code. She is welcome to have her licensed contractor serve as her agent in this matter but if she releases the agent of the responsibility for the work, the inspection and the code compliance fall back to her as the property owner.

Permit fees are a revenue mechanism to offset the specific expenses of inspection and administration related to building code compliance. This is construed narrowly by the State Auditor's Office. The staff time and expense related to these specific permits have far exceeded the fees collected. City staff has failed to meet customer service expectations for Ms. Neel. If Council chooses to refund the permit fees for both the September 2017 and the July 2018 mechanical permits, then I believe Council would be within their authority. However, the outstanding permit/furnace installation from September 2017 needs to be performed by our building inspector to satisfy the code and close the permit.



Adam Smee
City Administrator

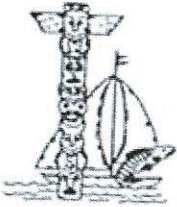
Attachments: Email between Ron Kemp and Adam Smee
Email between Coni McMaster and Adam Smee

asmee@kalama.com

From: Coni McMaster <cityclerk@kalama.com>
Sent: Wednesday, October 3, 2018 3:52 PM
To: asmee@kalama.com; 'Susan Junnikkala'
Cc: kemp.rw@gmail.com
Subject: RE: Voice Mail Message from (503-869-1221)

I had this same kind of request and issue with another citizen regarding the issuing of a mechanical permit and the follow up inspections a few weeks ago and talked with Ron. Inspections are supposed to be done. The confusion seems to be on who is supposed to call it in – the home owner or the contractor – the homeowners seem to think the Contractor does it, but it appears they don't. That may not be the case here. We do need to get this handled and provide the information to all staff and possibly a handout to be provided when a mechanical permit is issued to be clear about the procedure and then we need to follow it.

Coni McMaster
Coni McMaster, CMC
Clerk/Treasurer
City of Kalama
360-673-4561
cityclerk@kalama.com



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From: asmee@kalama.com <asmee@kalama.com>
Sent: Wednesday, October 03, 2018 2:44 PM
To: Coni McMaster <cityclerk@kalama.com>; 'Susan Junnikkala' <bldgclerk@kalama.com>
Cc: kemp.rw@gmail.com
Subject: FW: Voice Mail Message from (503-869-1221)

I received this voicemail from Colleen Neel at 324 Birchwood. She would like a copy of the permit and record of inspection for the mechanical permit she paid for associated with the installation of her air conditioning/ HVAC in July of this year. It sounds like she has been in and mentions Kiley by name but has not received follow up.

Please let me know if we require a permit but do not perform an inspection. I a follow up conversation with Ms. Neel she says an inspection was scheduled but the inspector did not show up on the specified day. She later asked for the inspection record and it was not sent to her.

Ms. Neel is not argumentative or difficult but she is understandably frustrated with our poor customer service and lack of clarity about our own process.

If we are requiring a permit but not requiring an inspection we should be prepared to explain for what the citizen is paying. (example, we require a re-roofing permit but do not inspect roofing)

I would like to respond to Ms. Neel by the end of the week.

Adam Smee
City Administrator
City of Kalama, WA
asmee@kalama.com

From: vmail@scattercreek.net <vmail@scattercreek.net>
Sent: Wednesday, October 3, 2018 2:08 PM
To: asmee@kalama.com
Subject: Voice Mail Message from (503-869-1221)

Voice Mail Message in mailbox 3606733265 from (503-869-1221)	
A voice mail message is attached to this email. To listen to the message open the attachment.	Transcript of the message: Transcription not available
Message Options <u>Save Message</u> The Save Message link saves the message on the voice mail system. <u>Delete Message</u> The Delete Message link deletes the message from the voice mail system. These links only affect the message on the voice mail system, they do not affect this email message.	

From: asmee@kalama.com
Sent: Wednesday, October 3, 2018 3:28 PM
To: 'Ronnie Kemp'
Subject: RE: FW: Voice Mail Message from (503-869-1221)

Thanks Ron,

I will talk to you in the morning when you get here.

If we can come up with the inspection card I will call Ms. Neel back and explain what we inspected and drop off a copy of the permit/inspection card as she lives around the corner from me.

Adam

PS I would be interested to know what you look at on the re-roofing permit. I always thought this was a "shakedown" when I was re-roofing residential.

From: Ronnie Kemp <kemp.rw@gmail.com>
Sent: Wednesday, October 3, 2018 3:15 PM
To: Adam Smees <asmee@kalama.com>
Subject: Re: FW: Voice Mail Message from (503-869-1221)

Adam,

We do require a permit for Air conditioning or heat pumps. There are multiple things to inspect with the heat pumps:

- 1) is the unit secure to the pad [if in a flood zone is it elevated above the flood elevation]
- 2) is the pad secure and 3" above the surrounding grade
- 3) are all penetrations in to the building sealed for rodents, bugs, and air infiltration
- 4) is there a condensate line for the a frame coi, is there a vent for the condensate as well as a trap in the line
- 5) did the installer re-seal the plenum correctly after installing the a frame.

I have no memory of this address for an inspection but I will check the logs tomorrow when I get to Kalama.
Ron

PS there is a similar list for re-roofing if you are interested.

On Wed, Oct 3, 2018 at 2:44 PM <asmee@kalama.com> wrote:

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Adam Smee

City Administrator

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