

MINUTES

OMAHA PLUMBING BOARD

Regular Meeting – Wednesday, March 14, 2012
1:30 pm – City/County Building – 1819 Farnam Street
Jesse Lowe Conference Room – Third Floor

I. Roll Call

Members Present:

Brian A Barrett
Jeff O. Estabrook, Vice-Chairman
George E. Killian
David W. Miller, Chairman
Christopher P. Reed
Terry Salem

Members Absent:

Daniel J. Wellendorf

Others Present: Jim Wonder, City of Omaha Planning Department

Mr. Miller called the meeting to order at 1:33 pm.

II. Approval of Minutes from February 22, 2012

Motion by Mr. Salem to approve the minutes from the February 22, 2012 meeting of the Omaha Plumbing Board. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

I. Examination Reviews

Master Plumber

Jeri W Spotts
2673 N 125th Av
Omaha NE 68164-3530

Ray Martin Company
6201 Center St
Omaha NE 68106-2998

Sewer Layer

Scott L Reimers Jr
3456 S 126 Av
Omaha NE 68144

Dave Janke Plumbing
15013 Grover St
Omaha NE 68144

III. *Apprenticeship Agreement

Andrew M Desoe
780 N 4th St
Omaha NE 68059

The Frazier Company
14830 B Circle
Omaha NE 68144

Andrew Desoe appeared before the Board. Mr. Desoe submitted a payroll summary from The Frazier Company as proof of his hours, along with letters from The Frazier Company and DRZ Plumbing attesting to his employment. After reviewing the file, Mr. Miller asked Mr. Desoe if he would be able to submit W-2s as additional proof of his employment with DRZ Plumbing. Mr. Desoe stated that this would be no problem.

After some discussion regarding how much credit to grant Mr. Desoe for time worked, Mr. Reed made a motion to approve Andrew Desoe as a registered apprentice plumber with a start date of January 1, 2012. The Board will review any W-2s submitted by Mr. Desoe at the March 28, 2012 meeting and may choose to move Mr. Desoe's start date back accordingly at that time. Mr. Desoe does not need to appear at this meeting. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

IV. *Cases

12-2-28 *From 2/22/2012*
Charles J Welsh
2221 N 90th St
Omaha NE 68134

REQUEST: Variance of Section 49-630, Toilet rooms for two sexes

Location: 8411 W Center
49-630

2/22/2012:

Mr. Welsh was not present.

Motion to hold this case over to the March 14, 2012 meeting of the Board by Mr. Estabrook. Second by Mr. Killian.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0.

3/14/2012:

Charles Welsh appeared before the Board. Mr. Estabrook recused himself from voting on this case, and appeared before the Board with Mr. Welsh. Mr. Estabrook stated that the applicant was asking for a variance of Section 49-630, Toilet rooms for two sexes; however, Mr. Welsh has decided to withdraw this request. Mr. Estabrook stated that Mr. Welsh would like the Board to grant a waiver of the required grease interceptor in a commercial kitchen.

Mr. Estabrook stated that the space was a Papa Murphy's Pizza location; Mr. Welsh intends to open a new Little Caesar's Pizza restaurant at the site. Mr. Estabrook stated that this company does not produce grease. Mr. Welsh stated that the only grease-producing item on the menu is chicken wings. These are cooked on a parchment-paper lined tray, which soaks up any grease produced by the wings. This paper is thrown away after the wings are cooked.

When asked, Mr. Welsh stated that pans in his restaurant are generally wiped down between uses rather than washed in order to create a layer of seasoning on the pans. This further reduces the amount of grease produced in the restaurant. Ingredients for the pizzas are all prepared off-site; and arrive fully cooked. The only exception is the pizza dough, which is made on site. Mr. Reed stated that this request is similar to several requests that have been approved by the Board in recent months.

Mr. Wonder stated that the Plumbing Division had no objection to this request; however, his division cannot deal with this request administratively. Mr. Welsh would need the Board's approval to operate without a grease interceptor. Mr. Estabrook stated that in looking at the site itself, there is also a problem in running pipe to any grease interceptor. He stated that by the time he picks up everything in the back of the building and gets to the front, he has run out of slope. Mr. Welsh submitted for the Board's review an analysis of the amount of grease that his business will produce on a daily basis.

Motion to approve requested waiver of a grease interceptor in a commercial kitchen at 8411 West Center Road by Mr. Reed. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

12-3-31

James W Graham
2551 Dodge
Omaha NE 68131

REQUEST: Request to allow additional time to complete 2011 continuing education requirements.

49-215

James W Graham appeared before the Board to request additional time to complete his 2011 continuing education requirements. Mr. Miller reviewed Mr. Graham's file, noting that Mr. Graham is currently participating in a substance abuse treatment program offered through the Salvation Army. Mr. Graham explained those events which led up to his being accepted to the Salvation Army's Adult Rehabilitation Center.

Mr. Miller read aloud to the Board a letter from the Salvation Army which described the requirements of their adult rehabilitation program. According to the letter provided by the Salvation Army, Mr. Graham is undergoing intensive counseling for his addiction. He will tentatively complete this program on November 21, 2012.

Mr. Graham mentioned that he had been to the Board a few years ago to request additional time to complete continuing education hours. The Board Secretary confirmed that Mr. Graham did in fact make up the required number of hours. According to the Salvation Army's letter, Mr. Graham cannot participate in job search, as he is required to attend classes and volunteer at their center. His free time is extremely limited by the requirements of their program, which would make attending continuing education classes very difficult.

The Board discussed Mr. Graham's current situation. Mr. Killian asked Mr. Graham if he has considered putting his license into retirement. Mr. Graham stated that he had not considered retirement of his license. Mr. Miller asked Mr. Graham how much time he was asking the Board to grant him to make up his missing continuing education hours. Mr. Miller stated that the Board typically does not grant more than a three months extension. Mr. Wonder stated that he would be willing to work with Mr. Graham in order to make sure that his hours were made up within that time frame.

Mr. Salem and Mr. Reed suggested that the Board could grant Mr. Graham a waiver of his continuing education hours on the basis of medical hardship. Mr. Killian stated that Mr. Graham would still need to complete eight hours of continuing education for 2012; his tentative release date would only leave him with one month to complete his eight hours for this year. This could mean that Mr. Graham might be back next year to ask for another extension. Mr. Estabrook stated that he could understand how addiction can be viewed as a medical problem. However, he stated that this is also a self-inflicted medical problem. Mr. Salem stated that whether or not a medical issue is self-inflicted, it is still a medical issue. Mr. Killian stated that he is glad to see that Mr. Graham is getting help for his problem. Mr. Miller agreed with Mr. Killian's assessment.

Motion by Mr. Killian to waive eight hours of continuing education for 2011 for James W. Graham due to medical hardship. Mr. Graham is still required to complete eight hours of continuing education in 2012. Second by Mr. Reed.

AYES: Killian, Miller, Reed, Salem

NAYS: Barrett, Estabrook

Motion carried 4-2

12-3-32
Darrell Auld
10730 Pacific St
Omaha NE 68144

REQUEST: Waiver of required grease interceptor in a commercial kitchen.

Location: 10730 Pacific St, Suite 110
49-1104

Darrell Auld appeared before the Board. He submitted updated plans for his space. Mr. Auld explained that he currently owns a 1,000ft² restaurant. The bay next door to him has become available, and he would like to expand his restaurant by adding a tavern to it. This would represent an addition of 1,000ft² to his total business space. Mr. Auld stated that his existing restaurant does not have a grease interceptor. He added that his restaurant focuses more on natural foods, and gave the Board members a copy of his menu to view. Mr. Auld stated that his kitchen has no fryers; he indicated that they do have a hood system over the range and griddle.

Mr. Wonder stated that this space used to be a tea shop. At the time that Mr. Auld first started his restaurant, he was not required to obtain a new certificate of occupancy. This means that the City was not aware that Mr. Auld was operating without a grease interceptor. Mr. Wonder stated that Mr. Auld has been operating with the same menu for some time now. In speaking to the Public Works Department, Mr. Wonder stated that they had no concerns or complaints regarding the amount of grease produced by Mr. Auld's restaurant. Mr. Wonder concluded by stating that Mr. Auld is unlikely to create any problems for the Public Works Department if he continues to operate in the same manner.

When asked, Mr. Auld stated that there is a hardship in installing a grease interceptor at this location due to the way in which his bay is situated. Mr. Wonder confirmed this statement. Mr. Reed stated that Mr. Auld's request is similar to that of a Little Caesar's Pizza restaurant (see case number 12-2-28, *above*). Mr. Barrett and Mr. Estabrook contested this assessment, stating that Mr. Auld has more kitchen equipment, including a griddle and a hood. Mr. Reed countered by stating that Little Caesar's Pizza received a waiver based on the fact that they do not produce grease (see case number 12-2-28, *above*); Mr. Auld also produces no grease, or, at least, not enough to be of concern to the Public Works Department. Mr. Estabrook stated that Mr. Auld has more items on their menu than Little Caesar's. Mr. Miller agreed with this statement; but added that the key in this case is the fact that Public Works has no problems with Mr. Auld's current operation. Mr. Miller stated that the requirement for grease interceptors, and the Board's enforcement of such, is in place in order to protect the City's sewer systems.

Mr. Reed asked Mr. Auld how long his restaurant has been in business. Mr. Auld replied that he opened his restaurant four years ago. Mr. Reed stated that this was a sufficient amount of time for Public Works to notice any problems with the amount of grease being produced by this business. Mr. Barrett agreed that his support of this waiver would be based on the fact that Public Works has no objection to the amount of grease produced by Mr. Auld's restaurant.

Motion by Mr. Reed to waive the required grease interceptor for this location and business only, with the stipulation that Mr. Auld must install a grease interceptor if, at any time, the Public Works Department were to identify a problem with the amount of grease produced by this facility. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

12-3-33
Jose Dionicio
6109 Maple St
Omaha NE 68104

REQUEST: Waiver of required grease interceptor in a commercial kitchen.

Location: 6109 Maple St
49-1104

Jose Dionicio appeared before the Board. Mr. Dionicio was asked to bring copies of plans for this space to today's meeting; however, Mr. Dionicio stated that he didn't have any plans available to him. Mr. Dionicio is in the process of opening a Peruvian restaurant in Benson. This restaurant will be located in what used to be the Benson Bakery. Mr. Dionicio stated that nothing on his menu will be fried.

Mr. Wonder stated that the hardship in this case is the amount of space available. Mr. Wonder stated that there is virtually no space behind the restaurants and stores in Benson; and most businesses are very close to the street. He added that the Plumbing Division, in reviewing this property, has discovered that this space also does not lend itself towards the installation of a grease removal system. Mr. Wonder stated that this area faces similar challenges as Dundee and the Old Market; he concluded by stating that the Plumbing Division had no objection to this waiver.

Motion to approve requested waiver of required grease interceptor at 6109 Maple Street by Mr. Reed. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

12-3-34
Rybin Plumbing & Heating
1822 Vinton St
Omaha NE 68108

REQUEST: Variance of section 49-1732, Sewer Materials

Location: 12th & Leavenworth Streets
49-1732

Hesse McGraw of the Bemis Center for Contemporary Arts and Jay Rybin of Rybin Plumbing & Heating appeared before the Board. Mr. Wonder summarized the case by stating that the requested variance is in regards to a temporary art installation at the facility. The Bemis Center plans to create a man-made rainbow using collected rainwater that will appear above their building for a period of approximately six months. The requested variance would allow the Bemis center to use PVC piping to temporarily divert rain water from the gutters and roof drains to collection tanks. This water would later be sprayed into the air, creating a rainbow above the building. At the end of the display period, all diversion of rain water to collection tanks would cease, and the roof drains and gutters would be put back into normal operation.

Mr. Estabrook stated that this art installation was tested earlier, and he recalls some concern regarding a nearby business not being able to use their outdoor patio due to the fact that they were being "rained" on. Mr. Killian asked how many times per day this art installation would be activated. Mr. McGraw stated that this event would occur twice daily, for approximately 20 minutes per occurrence. Although the Bemis Center is asking for a six month variance, the installation would only be operating for 3-4 months of this time frame. The remaining months would be spent installing the equipment for the installation, collecting water, and taking the equipment down once the display period was over.

Mr. Wonder stated that the Plumbing Division had an issue with allowing PVC within the building due to the fact that it is flammable. Mr. Killian asked whether the Bemis Center has fire sprinklers. Mr. McGraw replied that the building is sprinkled, and was recently converted from a dry system to a wet system. Mr. Barrett asked whether the piping would run through multiple floors in the building. Mr. Rybin stated that the piping would run horizontally through the fifth floor of the building.

Mr. Estabrook repeated his concern as to how the water would affect the Bemis Center's neighbors. He stated that he is part owner in the building to the south of the Bemis Center, and was upset when their testing caused them to not be able to use their outdoor spaces. He stated that they are planning to have various events on their outdoor patio this summer, and would be very unhappy if the Bemis Center rainbow caused these events to be delayed or cancelled. The Board Secretary asked whether Mr. Estabrook planned to abstain from voting on this request. Mr. Estabrook did not reply. Mr. Miller and Mr. Reed stated that the Bemis Center has already obtained permission from the City to have the art installation; the only thing the Board can vote on today is whether or not to allow them to use PVC piping.

Mr. Salem asked how much PVC pipe the Bemis Center plans to install at this location. Mr. Miller stated that no matter the amount, it should be kept in mind that this is a temporary installation. Mr. Killian supported Mr. Miller and Mr. Reed in their statement that the only issue at hand was whether or not to allow the Bemis Center to use PVC piping for this art exhibit. He stated that the Bemis Center will most likely face a certain amount of opposition from the City's other boards regarding any hazard or inconvenience that this display might cause. However, these issues were not up for discussion at today's meeting. Mr. Miller stated that if this was a permanent installation, he would in no way support it. However, he would be willing to consider this variance on a temporary basis.

Mr. Killian inquired as to exactly when the Bemis Center plans to remove their man-made rainbow. Mr. McGraw replied that de-installation will begin at the end of September and should take approximately 30 days to dismantle. After some discussion, Mr. McGraw agreed that December 31st would give the Center adequate time to dismantle the installation. Mr. Wonder pointed out for the record that the applicant asked for a variance of section 49-1732; this is not the correct section of the Plumbing Code. He will research this and get the proper Code section to the Board Secretary at a later time.

Motion by Mr. Killian to allow a variance to allow the use of PVC piping for a temporary art installation at the Bemis Center for Contemporary Arts. This variance is in effect until December 31, 2012. Second by Mr. Reed.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

Mr. McGraw stated that he would like to have a meeting with Mr. Estabrook in order to go over the differences between those conditions created during their testing and the final product. Mr. Rybin theorized that differences in wind direction between seasons may result in no threat to the southern neighbors' use of patio space. Mr. Estabrook thanked Mr. McGraw, and asked him to visit with the neighboring properties.

II. *Hearing for possible revocation or suspension of license(s)

12-3-35

T Buck Russell
1859 N 150th Ct
Omaha NE 68154

REQUEST: Hearing for possible revocation or suspension of license(s).

49-215

Mr. Russell was not present. The Board Secretary confirmed that she sent notice to appear by certified mail and had received confirmation of delivery. Due to a typographical error discovered in the file, the Board decided to lay this case over and re-notify Mr. Russell that his presence is required.

Motion by Mr. Estabrook to hold this case over to the April 25, 2012 meeting of the Omaha Plumbing Board. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

V. Approval of Apprenticeship Renewals

Ryan Dowling	Jimmy's Plumbing	Metro
Andrew Frink	Harris Plumbing	ABC
Matt Hansen	Dave Janke Plumbing	Completed
George Rybin	J&R Mechanical	Local 16
William Shadden	Plumbers Local 16	Local 16

Motion to approve the above-listed renewals of apprenticeship by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0

VI. Discussion

- Mr. Wonder stated that he will have the final draft of revisions to Board policies and procedures at the next Board meeting.

VII. Adjourn

Motion to adjourn by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Reed, Salem

Motion carried 6-0. Meeting adjourned at 2:22 pm.

*** = APPLICANT MUST BE PRESENT AT MEETING**

A full, continually current agenda is available for public inspection in Room 1110 of the Omaha/Douglas Civic Center during normal business hours.

The Omaha Plumbing Board reserves the right to modify the agenda at the public meeting.

If alternative (tape) to the agenda is needed, please advise Jim Wonder. A 72-hour notice is required.

Applications for the meeting to be held at 9:00 am on Wednesday, March 28, 2012 are due no later than 9:00am on Thursday, March 15, 2012.

Visit the Planning Department's Site on the Internet at <http://co.douglas.ne.us/omaha/planning/boards/plumbing-board>