MINUTES
BUILDING BOARD OF REVIEW
Monday, November 18, 2019 at 1:00 p.m.
Omaha/Douglas Civic Center – 1819 Farnam
Third Floor – Jesse Lowe Conference Room

Board Members:
Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Certification of Publication: Board Secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, November 11, 2019.

THE OWNER, OR A REPRESENTATIVE OF THE OWNER, MUST HAVE SIGNED THE APPLICATION OR BE PRESENT AT THE MEETING FOR THE CASE TO BE HEARD.

NOTE: THIS BOARD DOES NOT HAVE THE AUTHORITY TO WAIVE ANY REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, FEDERAL FAIR HOUSING ACT, OR THE N.F.P.A. 101 LIFE SAFETY CODE; BUT DOES HAVE THE AUTHORITY TO HEAR APPEALS OF THE INTERNATIONAL FIRE CODE, NEBRASKA ACCESSIBILITY GUIDELINES AND THE NEBRASKA FAIR HOUSING ACT.

Mr. Ron Feuerbach called the meeting to order at 1:01 p.m.

I. Roll Call

Jack Ryan – Absent
Ron Feuerbach
Cheryl Kiel
Michael Naccarato
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Others Present:
Anna Bespoyasny, Superintendent of Permits and Inspections
Dave Fanslau, Director of Planning Department
Le Nguyen, Plans Examiner
Jennifer Taylor, City Attorney
Mike Wilwerding, Chief Building Inspector

Don Gerjevic, Chief Electrical Inspector
Tom Phipps, Chief Mechanical Inspector
Frank Reida, Plans Examiner
Jerry Ziska, Signs Inspector
Autumn Drickey, Board Secretary

II. Approval of Minutes: Approval of August 12, 2019 minutes.

Motion by Mr. Kent Therkelsen to approve the minutes from the August 12, 2019 meeting. Second by Mr. Dennis Van Moorleghem.

AYES: Feuerbach, Kiel, Naccarato, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>19-13</th>
<th>LOCATION:</th>
<th>REQUEST:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits and Inspections Division</td>
<td>n/a</td>
<td>Proposed Ordinance Change – Examination and Licensing Board</td>
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Ms. Anna Bespoyasny summarized the reason behind the proposed code change as well as the proposed code change. She summarized that many functions of the seven boards are repetitive, so they are looking to consolidate the twenty-one members on seven boards to nine members on one board. She explained how the newly proposed board would function. She summarized the boards that would be consolidated and the reason why they would be considered. She detailed the research that went into the proposed consolidation as well as conversations she has had with the Chief Inspectors who would be impacted by this proposition. She stated that her regret is that some board members who have been good board members and have knowledge and experience would be lost in the creation of the new board. She detailed her thought process in determining who would be a representative to the new board and wanting to be consistent as it pertains to union and non-union shops. She explained that she did receive one question about the Plumbing Board not being included, but that there is a state mandate that requires the Plumbing Board be in place. She detailed that all existing board members were sent information prior to the meeting as well. She expressed her desire to receive comments from the general public about the proposed code changes. Mr. Feuerbach clarified that this is a public hearing. Ms. Bespoyasny stated that the City proposes a recommendation to City Council to approve this code change.

Mr. Feuerbach asked for any proponents to the proposed code changes. There were none.

Mr. Feuerbach asked for opponents to the proposed code changes.

Mr. Michael McDonnell appeared in opposition to the proposed changes on behalf of the Omaha Federation of Labor as President. He stated he and those he represents oppose the consolidation of the boards because it removes those with subject matter experts from those boards and in turn could impact the safety of the City’s construction and trade professionals. He detailed the positions that would be lost in consolidating to a new board. He stated they are open to conversation about uniformity for these boards. He proposed giving them an opportunity to give input about their concerns. He agrees that there is a need to be more efficient and effective, but in that process subject matter experts should not be lost in the process. Mr. Mike Naccarrato asked if his organization had any input. Mr. McDonnell detailed when this was brought to his attention, and currently have not had an opportunity to offer input. Mr. Therkeslsen asked about his recommendation. Mr. McDonnell stated that they are concerned about losing those experts on the board.

Ms. Cheryl Kiel asked for clarification of the expertise when it comes to the current boards. Mr. McDonnell stated that the perspective of a Journeyman and Master can be different, and are valuable in their own ways.

Mr. Daniel Huse appeared in opposition on behalf of the IBEW Local 22 to the proposed changes. He expressed his opinion as it pertains to the Electrical Board as it is now. He stated there is a lot of knowledge and experience that sits on the board currently. He expressed his desire to not cut corners to jeopardize the safety of citizens. He gave examples of what the City has done, specifically with boarding houses. He expressed the desire not to cut the Electrical Board because it feels, to them, that it is a bad area to cut.

Mr. Naccarrato asked how often the Electrical Board meets. Mr. Huse stated he can’t answer that, but they have a representative that lets them know what happened at the meeting. He stated that the frequency of meeting should not detract from the importance of the board.

Mr. Don Gerjevic appeared and clarified about the frequency of the Electrical Board meetings. He explained that they only meet for disciplinary reasons. Mr. Thomas Thibodeau asked about the examination of electricians. Mr. Gerjevic attempted to answer. Mr. Butch (Everett) Simpson, current Electrical Board chairperson, appeared and clarified the timeline of the Electrical Board and how testing was involved until approximately 2012. He detailed that the Electrical Board had not met for approximately two and a half years, then Mr. Gerjevic became the Chief Electrical Inspector. He expressed his desire to get the City test
back in because of the difficulty to take the state’s test that is only available in Omaha twice a year. Ms. Kiel asked why Omaha doesn’t have a test. Mr. Simpson stated that it just dropped off with Dennis Small, the previous Chief Electrical Inspector. Mr. Gerjevic explained the Nebraska State Electrical Act’s allowance to give the city test. Mr. Thibodeau asked about licensing versus a registration and what the current Electrical Board has the authority to do. Mr. Gerjevic and Mr. Simpson detailed what they do, suspend or revoke City of Omaha electrical registrations. Mr. Simpson expressed his opinion on consolidating the boards and how calling a meeting is out of their hands, and is continuing to get more and more out of their hands.

Mr. Scott Falcone appeared in neutrality of the proposed code changes. He detailed that he is the current chairperson for the Air Conditioning Air Distribution Board and the frequency of their meetings as well as what they do. He stated that he would not be comfortable with those who do not have knowledge in one field overseeing another. He asked about subcommittees. Ms. Bespoyasny detailed what the subcommittees would be as well as how they would be composed, but the organization would be up to the new board. Mr. Van Moorleghem asked about the subcommittee and revocations. Ms. Bespoyasny detailed the subcommittees further as well as disciplinary actions. She stated that the subcommittees would allow for those who want to be involved to remain involved. She summarized discussions with the Chief Inspectors how some boards are feeling concerned that upon appeal, some board decisions were overturned. She expressed that an appeal process would still be involved in the new board’s process. She expressed her hope that there would be more concern for those in the trades who may be brought before the new board, would understand the gravity of the situation. Mr. Falcone detailed the composition of the board he is on and what happens every month at their meeting. He expressed a concern that the knowledge would be lost. Mr. Van Moorleghem asked if it would delay a decision. Mr. Falcone stated that he would be concerned about that. Mr. Feuerbach asked about the formation of the advisory boards. Ms. Bespoyasny stated that has not been figured out, but that the new board would have the ability to create policy and procedures and determine how those subcommittees would operate. Mr. Falcone asked about how often the board would meet. Ms. Bespoyasny stated the new board would meet once a month but that she would presume that the subcommittee might meet prior to the new board meeting to make official recommendation. Mr. Falcone asked about time savings if the Chief Mechanical Inspector must be at all subcommittee meetings and the new board meeting. Ms. Bespoyasny explained how she has been forecasting for the retirement of the current Chief Mechanical Inspector and who can pay the proper amount of attention to the boards as he has. Mr. Falcone stated that no one doubts his dedication. Ms. Bespoyasny expressed that they would need to figure out how to ensure that all needs were met. She stated that it could fall on the newly formed board to figure the details out. Ms. Kiel stated that it sounds like the current boards would become the subcommittees that would report to the newly formed board so it sounds like nothing is being gotten rid of, or is she misunderstanding. Ms. Bespoyasny stated that would be up to the board, the functions of the board would remain the same, however the new board would have the flexibility to determine the subcommittee as well as what the recommendation to the new board would be. She offered how and when the subcommittees would meet. She stated she sees the benefit of consolidation when it comes to the disciplinary measures as well as not needing the Chief of the trade to go to every subcommittee meeting, only when there was something critical where his expertise would be required. She expressed that the details would be left with the new board to figure out. Mr. Feuerbach restated that the policy and procedures would be adopted and posted. Ms. Jennifer Taylor clarified the boards have policy and procedures that have been adopted and that they just can’t violate the code. She stated that the request came to them to look at where economies of scale could give some consistency to the examination and licensing process, looking at a number of boards that have similar duties across what they do. She stated there could be some benefit to those boards to having exposure to how the other boards work things so there could be consistency across all licenses. Mr. Falcone stated that his board approves continuing education courses as those course are a requirement of their licensing.

Mr. Steve Widhalm appeared in neutrality of the proposed code changes, seeking clarity. He stated that he is on the Air Conditioning and Air Distribution Board and summarized what that board does and the frequency of their meetings. He stated there is variances in some of the boards. Ms. Bespoyasny detailed that there are board vacancies but the functions of the boards are still taking place, exams for those boards are still being given with licenses still being administered. Mr. Widhalm mentioned revocation of a license, saying that in his experience there has only been one instance, for the Air Conditioning and Air Distribution Board as that, to
his understanding, would go to the legal department. He asked for clarification if the subcommittee would be different than what is currently being done by the boards. Ms. Bespoyasny clarified that this may be similar to current board duties, but could allow for consistency for licensing. She offered a suggestion for license renewals. She detailed the current licensing process in Permits and Inspections and the need to get them out in a timelier manner because of information not being submitted correctly initially. Mr. Widhalm stated that makes sense, however as board members, they know what they are required to do for their board, not what all the boards do. He asked about who picks up the other pieces that are being left off, revocation and continuing education approvals. Ms. Taylor explained that the idea of the new board is to become the only board with all of their duties being in place as well and that the subcommittees would be to supplement the new board. She explained how her office is impacted by the current boards as well as the questions they get. She stated that they are looking for consistency in how licensing is handled among all the trades. Mr. Widhalm stated that those are things that he may not be aware of and that makes sense.

Mr. Dan Downs appeared in opposition of the proposed code change. He detailed that he is a member of the Electrical Board as well as the history of what they’ve done, and how they have been impacted by the state’s support. He stated he feels it was a mistake to take the City test out as there is a need for it to be more accessible. He stated they meet when the Chief calls a meeting, but that there could be things to meet about, but they only meet when one is called. He asked about the residency requirement for new board members and why that would be important because he owns a business in South Omaha, but lives in Bellevue and is a current Electrical Board member. He expressed that even though people from different trades may work on the same job, he doesn’t believe it’s fair to have different trades pass judgement on one another. He expressed his concern at having the Electrical Board’s decision to take a person’s registration away being overturned on the appeal process. He voiced a concern at having that happen again. Ms. Kiel asked about having two boards, Electrical and everything else. Ms. Bespoyasny answered. Mr. Thibodeau asked about the residency concern. Ms. Taylor answered stating that there is not consistency in requirements of being a city resident, so it could be adjusted. She stated that currently, board members need to be a resident, but if there’s a recommendation to change that requirement, it could take place.

Mr. Mike McEvoy appeared in opposition of the proposed code change. He detailed his work history as well as his term on the Steamfitters Examining Board. He detailed what steamfitters are required to do, and his desire to have those making recommendations have solid credentials in the steamfitting/pipefitting world. He stated that a consolidation of the boards would be a volatile move. He stated that they meet regularly six times a year currently. He stated that he’s fine with not being paid for his service on the board and that most would agree that giving up that fee would not be a problem for most wanting to serve on a board. He explained that he’s been on many boards, and having three members for that board allows for decisions to be made. He stated that he lives in the township of Waterloo, so he echoes Mr. Downs’ concern about the residency requirement and that he has worked in the City of Omaha for the last thirty-five years. Mr. Feuerbach stated that there would be an even number. Ms. Bespoyasny clarified the makeup, nine voting members and three nonvoting members. Mr. Thibodeau asked about the non-voting members. Ms. Taylor stated that offers the additional expertise, but it does not go towards the quorum requirement.

Mr. Gary Nixon appeared in opposition of the proposed code change on behalf of the Steamfitters Local 464. He expressed his concern for safety. He stated that having all of these variations of expertise, testing, and other input, being placed back on the subcommittee does not offer anything new that the board does not currently do now. He expressed a safety concern because of the different areas of expertise.

Mr. Pat Schuster appeared in opposition of the proposed code change. He summarized his work history. He stated he has never sat on the sign board. He echoed the safety concern as the sign contractor industry is small. He detailed the sign board does not do third party testing and they do deal with the complaints. He stated if anything the Sign Board needs to be stronger, not weaker. He stated he believes this adds another layer of bureaucracy and streamlines nothing. He expressed a need for the changes in the residency requirement.

Mr. Bill Miller appeared in opposition of the proposed code changes. He detailed his term on the Electrical Board. He expressed his concern as it pertains to safety. He detailed how a past case could have been
handled had it been before the new board with only two representatives from the electrical committee. He expressed his desire to have a range of expertise on the board that does work in those trades. He stated that on the Electrical Board, they’ve attempted to make recommendations for code changes, but if they are doing that as the new board it may not be as successful or have the same opportunity. He voiced sentiment that having the subcommittees doesn’t lose anyone in making this new board. He expressed the desire to make it a more streamlined process as well with uniformity.

Mr. Chuck Wiethop appeared in opposition of the proposed code changes. He echoed what has already been stated. He felt like it was perhaps backwards, having perhaps instead having a subcommittee of one member of each board to find consistency, if that was brought up in discussion. Ms. Bespoyasny stated that was not brought up but could be considered. Mr. Wiethop stated he has not sat on the Sign Board, but believes it should be stronger. He offered a suggestion, having a subcommittee where a member from each board sought the opinion of other trades could be possible.

There is discussion about what to do. Ms. Bespoyasny stated that the Building Board could make a recommendation for approval to take it to City Council or look into alternatives. Ms. Taylor clarified that few boards have the ability to make recommendations for code changes, but the Building Board of Review is able to make recommendations as it pertains to the changes of code. She presented options. Mr. Thibodeau asked for clarification about the role of the Building Board of Review in the process. Ms. Taylor summarized options for their recommendation. Ms. Kiel stated that it seems to her, that with safety being number one in her book, that she believes this needs more consideration. She voiced the need to make the boards similar, but there are things that need to be changed. She stated she isn’t sure that a single board would be beneficial at this time, in her opinion.

Motion by Ms. Kiel to layover to the January 2020 meeting this case to allow for the City of Omaha to meet with stakeholders to have another option and have the residency requirement changed. Second by Mr. Therkelsen

Mr. Thibodeau asked for clarification to the motion, if there would be another meeting. Ms. Bespoyasny stated she would prefer to bring any modifications back to the board for any final recommendations prior to going any further.

AYES: Feuerbach, Kiel, Naccarato, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Approved to layover to the January 2020 meeting
Ms. Bespoyasny explained the reason behind the code change. She explained the process to review the 2018 IRC. She stated amendments were also included in the packet. She explained this will allow them to bring the code up to date. She stated there was no committee for the 2018 IPMC as the amendments were much more limited.

Mr. Jerry Standerford appeared in support of the proposed code change as it pertains to the 2018 IRC on behalf of Metropolitan Omaha Builders Association. He detailed how they have tried to get this code updated and credited the City for involving input from stakeholders. He encouraged this board to recommend the adoption of the 2018 IRC. He stated that in regards to the 2018 IPMC, he would support those changes as well. Mr. Naccarato asked about the weed height. Ms. Bespoyasny clarified.

Mr. Kevin Toxword appeared in regards to going to the 2018 IRC instead of the 2012 IRC. Ms. Bespoyasny clarified where they would be posted. Mr. Toxword asked when it would go into effect if approved by City Council. Ms. Bespoyasny stated it is currently listed as fifteen days, but could be pushed out to six months. She clarified how that it coincides with the State’s update. Mr. Toxword expressed a need for contractors and subcontractors to be able to get up to speed on the new code. He asked about the code cycles. Ms. Bespoyasny stated it would be more frequently than twelve years, but she does not have an opinion at this time. She stated that they would look at the new codes and determine if it was something to adopt. Mr. Toxword expressed difficulty for contractors to be on different code cycles for different local municipalities. Ms. Taylor clarified the new state statute that incentivizes municipalities to stay current.

Mr. McEvoy, from the audience, asked about if the Building Board of Review is required to make a recommendation prior to appearing before City Council. Ms. Taylor stated she could answer that after the meeting.

Motion by Mr. Van Moorleghem to accept the recommendation with the change to a six month grace period before going into effect. Second by Ms. Kiel.

AYES: Feuerbach, Kiel, Naccarato, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Approved

IV. Adjournment

Motion by Mr. Thibodeau to adjourn. Second by Ms. Kiel.

AYES: Feuerbach, Kiel, Naccarato, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Adjourned at 2:21 p.m.