I. Roll Call

Members Present:
Jeff O. Estabrook
Patrick B. Leddy, Vice-Chairman
Cataldo A. Leo
David W. Miller, Chairman
Christopher P. Reed
Daniel J. Wellendorf (arrived at 9:20 AM)

Members Absent:
George E. Killian

Others Present: Joe Virgil, Planning Department
Doug Clark, Douglas County Health Department

Mr. Miller called the meeting to order at 9:00 a.m.

II. Approval of Minutes

Motion by Mr. Estabrook to approve the minutes from the last meeting. Seconded by Mr. Reed.

AYES: Estabrook, Leo, Reed

ABSTAIN: Leddy, Miller

Motion carried 3-0-2

III. Examination Review

Journeyman Plumber

Randall Dees
Heimes Corporation
9144 S 147 St
Omaha NE 68138

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.

Chris Falcone
14826 Giles Road, Apt 312
Omaha NE 68138

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.

Chris Griffith
Morehead Plumbing
2145 Ashwood Avenue
Papillion NE 68133-3330

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.
Aaron Perry
13106 “N” St
Omaha NE 68137

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.

Matthew A Simet
2019 N 65 Av
Omaha NE 68104

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.

Mark W VanderWoude
46 Norwood Drive
Council Bluffs IA 51503-5844

REQUEST: Review of journeyman plumber’s examination given Tuesday, August 11th.

IV. *Cases

9-9-87 From 9/9/09
Kevin Garrison
Elkhorn Public Schools
20650 Glenn Street
Elkhorn NE 68022

REQUEST: Waiver of various sections of Chapter 49 to allow the use of alternate piping material in temporary classrooms.

49-Various

Kevin Garrison appeared before the Board with a request to allow the use of alternate piping material in temporary classrooms. Mr. Garrison stated that the portable classrooms have already been installed, and were pre-plumbed with PVC piping.

Mr. Miller inquired as to how long these portable classrooms would be in use by Elkhorn Public Schools. Mr. Garrison stated that he could not give a definite answer to how long the classrooms would be in use; however, a new elementary school is being built in the area which should alleviate some of the crowding issue. Mr. Garrison stated that he had been quoted a price of $3,500.00 per unit to switch the piping from PVC to cast iron.

Mr. Reed stated his concern that the classrooms would remain in place permanently, either in their current location or at another school in the area, with plumbing that is not allowed in the Plumbing Code. Mr. Estabrook stated that Omaha Public Schools use portable classrooms, but OPS portables come pre-plumbed with cast iron piping.

Mr. Estabrook stated his sympathy for the school system, but expressed his opinion that Elkhorn is now a part of Omaha, and should therefore be held to the same standard as Omaha Public Schools.

Mr. Miller agreed with Mr. Estabrook and stated that he did not see a hardship in bringing the portable classrooms’ piping up to Code.

Motion to deny alternate piping request by Mr. Estabrook. Seconded by Mr. Leddy.

AYES: Estabrook, Leddy, Leo, Miller, Reed.

MOTION passed 5-0. Request denied.
REQUEST: Approval of apprentice program curriculum

David Nystrom with Plumbers Local Union 16 and the Omaha Joint Apprenticeship Committee appeared before the Board with a request for approval of their apprentice program curriculum for the coming year.

Mr. Miller reviewed the curriculum submitted and stated that all appeared to be in order.

Motion to approve by Mr. Leddy. Seconded by Mr. Estabrook.

AYES: Estabrook, Leddy, Leo, Miller, Reed.

MOTION passed 5-0. Request denied

REQUEST: Issuance of a temporary Master Plumber license.

Allen Tolliver appeared before the Board with a request to obtain a temporary Master Plumber License. Mr. Tolliver’s master plumber recently left the business to form his own company. Mr. Tolliver currently holds a Journeyman Plumber license, and has registered to take the Master’s examination in November 2009.

Motion to approve the issuance of a temporary Master Plumber’s license for a span of one year by Mr. Estabrook. Seconded by Mr. Leddy.

AYES: Estabrook, Leddy, Leo, Miller, Reed.

MOTION passed 5-0.

*Mr. Wellendorf arrived at 9:20 AM*

REQUEST: Approval of Provider. Approval of Instructor. Approval of one 2 hour hour continuing education class.

Mike Green appeared before the Board to request approval of continuing education. Mr. Green is an AO Smith representative, and is proposing to host a class on water heaters. Mr. Green stated that there have been many changes to water systems in recent years, and he would like to hold this class in order to explain some of these changes. This class would be free of charge, and would be open to all plumbers.

MOTION to approve Central Sales as a Provider for continuing education by Mr. Reed. Seconded by Mr. Leo.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0
Mr. Virgil said that Jim Wonder was familiar with Mr. Green, and that the Plumbing Division recommended approval of Mike Green as an Instructor.

**MOTION** to approve Mike Green as an Instructor for AO Smith water heaters by Mr. Reed. Seconded by Mr. Leo.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0

Mr. Miller reviewed Mr. Green’s application file. Mr. Green submitted a power point presentation and will also have a hands-on demonstration of installation. Mr. Green’s application packet was complete and included all requested items from the Plumbing Board’s continuing education checklist. Mr. Green’s class is scheduled to take place on October 9th. He asked for two hours of continuing education credit.

**MOTION** to approve two hours’ continuing education credit as requested by Mr. Leo. Seconded by Mr. Wellendorf.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0

**REQUEST:** Waiver to allow one irrigation well to serve two adjacent properties.

9-9-91
Chris Reed
Morrissey Engineering
4940 N 118 St
Omaha NE 68164

This item was withdrawn at applicant’s request before the Board meeting. No action was taken on this item.

**REQUEST:** Waiver to allow water closets on a 3” main line.

9-9-92
Mark Sanford
Sanford Group LLC
1306 N 162 St
Omaha NE 68118

Mark Sanford of Sanford Group LLC, Brian Thompson of Omaha Plumbing, Lou Gurnon of Elkhorn West Construction, and Jerry Dillard of Mt. Nebo Baptist Church appeared in support of this case.

Mt. Nebo Baptist Church is currently undergoing a major renovation. As part of this renovation, the bathrooms within the church are being enlarged, updated and made ADA-compliant. Mr. Sanford and his associates appeared before the Board in order to request to that the updated fixtures be allowed to remain on the existing 3” main line. The church was built in the 1950’s, and would require a lot of demolition to put in a larger main line. There will be a total of 5 water closets installed, and accompanying urinals and lavatories on the existing 3” main line.

Mr. Reed stated that these restrooms stated that because this was a church, these restrooms would not be used on a daily basis. During the week, the pastor would be the main occupant of the building.

Mr. Estabrook stated that although he sympathized with the applicant, he did not see a hardship in plumbing this building as per Code other than cost. Mr. Miller inquired as to the cost of putting this system in as outlined in the Plumbing Code. Mr. Sanford replied that he did not have a precise estimate of the total cost to make these changes; however, it could run between $7,000-10,000. Such a large amount would be a hardship to the church and could be severely prohibitive to their renovation plans.
Mr. Virgil stated that the Plumbing Division felt that this setup would work, but stated their opinion that the lines should be plumbed separately from each bathroom group (east and west ends of building) and then would meet up at the main line on the lower level. This would allow for greater ease of transition from 3” to 4” in the future, and reduce the flow on each 3” line. Mr. Thompson stated that his company could pipe these restrooms as Mr. Virgil suggested.

Motion to approve by Mr. Reed. The east and west restroom groups on the submitted plans must be independently piped on 3” lines and must tie in independently to the existing 3” main stack on the lower level of the building. Seconded by Mr. Leo.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0

Mr. Jama Samiev appeared before the Board with a request for a waiver of the required exterior grease interceptor in a commercial kitchen. Mr. Samiev’s company, Gyro Express currently has a business in the Mall of the Bluffs and is proposing to open a new store at 42nd and Grover Streets. The company currently uses an interior grease interceptor at their Mall of the Bluffs location, and would like to use a similar system at their new location.

Upon review by the Board, it was discovered that in addition to the grill that Mr. Samiev’s company had submitted in their plans, there was also to be a small fryer for French fries.

Mr. Virgil stated that this fryer was not in Mr. Samiev’s original application, and would therefore recommend denial of Mr. Samiev’s request for a waiver, and fryers produce a large amount of grease. Mr. Estabrook stated that after reviewing the application, he saw no hardship in installing an exterior grease trap other than cost. Mr. Miller suggested that Mr. Samiev obtain additional bids to ensure the lowest price to install an exterior grease interceptor.

Motion to deny waiver by Mr. Estabrook. Seconded by Mr. Leddy.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0 Request denied.
V. *Apprenticeship Agreements

Josh T Dahir
12165 Allan Drive
Omaha NE 68137

Able Plumbing
2336 Bob Boozer Drive
Omaha NE 68130

Josh T Dahir appeared before the Board to request to register as an Apprentice plumber. Mr. Dahir is currently employed by Able Plumbing and is attending school. Mr. Dahir requested a start date of July 24, 2009, and submitted a payroll summary as proof of employment for that start date.

Mr. Miller reviewed Mr. Dahir’s file and stated that all appeared to be in order with shop ratios.

Motion to approve by Mr. Reed. Seconded by Mr. Leo.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0

VI. Apprenticeship Renewals

Matthew Solatka
Northern Plumbing Contractors LLC
Metro

Motion to approve apprentice renewal by Mr. Leo. Seconded by Mr. Leddy.

AYES: Estabrook, Leddy, Leo, Miller, Reed, Wellendorf

MOTION passed 6-0

VII. *Hearing for Possible Revocation or Suspension of License

9-8-86
Dennis Fitzgerald
1450 South 18th Street
Omaha NE 68108

REQUEST: Hearing for possible revocation or suspension of Journeyman plumber’s license.

49-215

AUGUST 26, 2009:

Dennis Fitzgerald appeared before the Plumbing Board. Mr. Wonder advised the Board that any comments or questions should be directed to the Chairman of the Plumbing Board. Mr. Wonder advised Mr. Miller as Chairman that Mr. Fitzgerald was asked to appear before the Board due to a four hour shortfall in his required continuing education hours.
The Board Secretary advised Mr. Miller that since the date Mr. Fitzgerald was sent notification to appear for this hearing, Mr. Fitzgerald has attended four hours of approved continuing education. These four hours could be moved today at the Board’s direction to fulfill Mr. Fitzgerald’s missing continuing education hours, leaving Mr. Fitzgerald with no hours of continuing education completed in 2009. Mr. Fitzgerald would then have until December 31, 2009 to attend eight hours of continuing education.

Mr. Killian inquired what Mr. Fitzgerald’s plans were to complete his 2009 continuing education requirement. Mr. Fitzgerald replied that he would remain in contact with the Board Secretary in order to learn when classes are available.

Mr. Leddy inquired as to when Mr. Fitzgerald first appeared before the Board. The Board Secretary informed Mr. Miller that Mr. Fitzgerald appeared before the Plumbing Board February 27, 2008 and was granted ninety days to complete his 2007 continuing education requirement. Mr. Fitzgerald did not complete his 2007 continuing education requirement during ninety day period. Mr. Fitzgerald was sent notice to attend Jim Wonder’s Continuing Education Make-up class that following summer.

Mr. Miller read from the case file that Mr. Fitzgerald attended Jim Wonder’s continuing education make-up class during the summer of 2008 and received eight hours of continuing education credit. Four of these hours were applied to Mr. Fitzgerald’s 2005 continuing education requirement, and the remaining four hours were applied to Mr. Fitzgerald’s 2007 continuing education requirement. Mr. Fitzgerald completed no additional continuing education hours in 2007, which left him with a deficit of four hours in 2007.

Mr. Killian inquired as to whether Mr. Fitzgerald was currently employed in the plumbing field, and how many hours Mr. Fitzgerald had worked as a plumber in the past year. Mr. Fitzgerald replied that he was not currently employed, and had worked no hours within the plumbing field this year. Mr. Killian inquired as to why the Board should allow Mr. Fitzgerald to continue to maintain his license if he is not actively employed in the plumbing field. Mr. Fitzgerald replied that he has been a Journeyman plumber since 1999, and that he has been in contact with numerous shops, but has been unable to obtain work.

Mr. Leddy inquired as to why Mr. Fitzgerald did not complete his 2007 continuing education requirement when the Board gave him an extension of ninety days. Mr. Fitzgerald stated that he was given six months to complete his 2007 continuing education requirement, not ninety days. Mr. Wonder stated that if the Board would like to hold this case over to their next meeting, the Board Secretary would research the Plumbing Board files from that time period to see what continuing education classes were available to Mr. Fitzgerald during his ninety day extension, and would check the minutes from the February 27, 2008 meeting of the Plumbing Board to see if more than ninety days was given to Mr. Fitzgerald in order to complete his 2007 continuing education requirement.

Mr. Leo inquired as to Mr. Fitzgerald’s reason for not completing his continuing education requirement. Mr. Fitzgerald replied that he was not certain due to the amount of time that has passed, but that it might have been due to continuing education hours not being available.

Mr. Leo stated that based on Mr. Fitzgerald’s past performance, the Board was not confident that Mr. Fitzgerald would complete his 2009 continuing education hours. Mr. Killian inquired of the Board Secretary as to classes currently available for continuing education credit. The Board Secretary reviewed upcoming classes at Mr. Killian’s request. Mr. Killian stated that Mr. Fitzgerald has shown a pattern of not completing continuing education hours, and has not shown a good effort to maintain his license.
Motion to hold this case over to the September 9, 2009 meeting of the Plumbing Board by Mr. Leddy. Seconded by Mr. Estabrook.

AYES: Estabrook, Killian, Leddy, Leo, Miller, Wellendorf

Motion passed 6-0

SEPTEMBER 9, 2009:
Mr. Estabrook stated that due to the lack of a full Board, the Plumbing Board and the Plumbing Division would like to hold this case over to the September 23, 2009 meeting of the Omaha Plumbing Board.

Mr. Estabrook stated that Mr. Fitzgerald has remained in contact with the Board Secretary in search of continuing education classes; however, there are no classes available at this time. He will remain in contact with the Board Secretary in the coming weeks.

The Board Secretary supplied to the Board members a list of all available open-shop classes through the end of the calendar year. This list is available to the public at all times via the Plumbing Board website, and upon request from the Plumbing Board Secretary. This continuing education list was mailed to Mr. Fitzgerald.

Motion to hold this case over to the September 23\textsuperscript{rd} meeting of the Omaha Plumbing Board by Mr. Killian. Seconded by Mr. Leo.

AYES: Estabrook, Killian, Leo, Reed, Wellendorf.

MOTION carried 5-0.

SEPTEMBER 23, 2009:

Dennis Fitzgerald appeared before the Board as requested.

The Board secretary asked Mr. Miller to read the following statement, taken from her records. “8/13/08 - Upon review by the Recording Secretary, Mr. Fitzgerald was missing 4 hours of continuing education for 2005; therefore the 8 hours from Jim Wonder’s Continuing Education Make-up Class (8-5-66 and 8-5-66.1) were split to bring 2005 hours current. Mr. Fitzgerald is still short 4 hours for 2007 as a result. He will be sent a notice of hearing for possible revocation of his Journeyman license today, to take place on August 27, 2008.”

The Board Secretary stated that Mr. Fitzgerald has made up four hours of continuing education that he would like the Board to move to his 2007 total. This would leave him with a zero balance for 2009. Mr. Fitzgerald would have until December 31\textsuperscript{st}, 2009 to complete his 2009 continuing education requirement. Mr. Miller stated that he would be willing to move these four hours to 2007 as requested.
Mr. Miller stated that he has seen Mr. Fitzgerald before the Board for this reason far too often, and stated that Mr. Fitzgerald did not appear to take the continuing education requirements outlined within the Plumbing Code seriously. Mr. Miller impressed upon Mr. Fitzgerald the importance of getting his continuing education hours completed on time this year and in the future. Mr. Miller stated that he would not be pleased to see Mr. Fitzgerald appear before the Board in 2010 to ask for another extension to complete continuing education hours.

Mr. Estabrook stated his willingness to move Mr. Fitzgerald’s hours, and echoed Mr. Miller’s remarks about Mr. Fitzgerald’s likelihood of receiving another extension to complete his continuing education hours.

Motion to move 4 hours of continuing education from 2009 to 2007 as requested by Mr. Wellendorf. Seconded by Mr. Estabrook.

AYES: Estabrook, Killian, Leo, Reed, Wellendorf.

MOTION carried 5-0.

Motion to not revoke or suspend Dennis Fitzgerald’s Journeyman plumbing license by Mr. Wellendorf. Seconded by Mr. Leo.

AYES: Estabrook, Killian, Leo, Reed, Wellendorf.

MOTION carried 5-0.

The Board Secretary advised Mr. Fitzgerald to contact her to obtain updated continuing education memos. Mr. Fitzgerald stated that he would remain in touch.

VIII. Discussion

The Board Secretary informed the Board that she would not be present at their next meeting; Linda Frink will be the recording secretary for the October 7th meeting.

IX. Executive Session

Mr. Virgil requested that the Board go into Executive Session to discuss the November plumbing examination.

Motion to go into executive session by Mr. Leddy. Seconded by Mr. Estabrook.

AYES: Estabrook, Killian, Leo, Reed, Wellendorf.

MOTION carried 5-0. Board entered executive session at 10:12 AM.
X. Adjourn

Board adjourned by mutual consent at 11:05 AM.

*=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 9:00am on Wednesday, October 21 are due no later than 9:00am on Thursday, October 8.

__________________________________________
Visit the Planning Department’s Site on the Internet at www.ci.omaha.ne.us/planning