I. Roll Call

Members Present:
Brian A Barrett
Jeff O. Estabrook, Vice-Chairman
George E. Killian
David W. Miller, Chairman
Christopher P. Reed (present @ 9:17 am)
Terry Salem
Daniel J. Wellendorf

Others Present: Joseph Virgil, City of Omaha Planning Department
                Doug Clark, Douglas County Health Department

Mr. Miller called the meeting to order at 9:01am.

II. Approval of Minutes

Motion by Mr. Estabrook to approve the minutes from the last meeting. Second by Mr. Wellendorf.

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

Motion carried 6-0

III. *Cases

10-7-88
Pat Leddy
Plumbers Local 16
4801 F St
Omaha NE 68117
REQUEST: Approval of Provider.

49-215
Pat Leddy with Plumbers Local Union 16 appeared before the Board to request approval of Provider, Instructor(s) and CEU Classes.

Motion to approve Plumbers Local Union 16 as a Provider by Mr. Estabrook. Second by Mr. Killian.

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

Motion carried 6-0

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The Board reviewed Mr. Leddy’s proposed Instructors.

Motion to approve Jason R. Kawa, Thomas D. Rotundo, Justin J. Knoble, Michael J. Saucier, Kelly J. Schult, Gregg W. Smith, Stephen A. Vogel Jr, Jeff M. Vogel, Stephen C. Tritz, David W. Miller, and Robert D. McCart as Instructors for City of Omaha Plumbing Code by Mr. Salem. Second by Mr. Killian.

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

Motion carried 6-0
**Motion** to approve Stephen A. Vogel Jr, Jeff M. Vogel, David W. Miller, and Robert D. McCart as Instructors for Backflow by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 6-0

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The Board reviewed Mr. Leddy’s proposed continuing education classes. Plumbers Local Union 16 will hold three 4 hour classes on September 11, September 25, and October 2, 2010 for Grade VI water operators. The State of Nebraska has approved these classes for five hours apiece; Mr. Leddy asked the Board to approve these classes for four hours of City of Omaha CEU credit. Mr. Leddy submitted for the Board’s perusal copies of proposed training materials.

**Motion** to approve three 4 hour CEU classes as submitted by Mr. Estabrook. Second by Mr. Killian.

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

Motion carried 6-0

10-7-89
Tony and Donna Brown
11408 Frederick St
Omaha NE 68144

REQUEST: Waiver of section 49-631(b)(1), unisex toilet rooms

Location: 6508 N 16 St Omaha NE 68112

49-631(b)(1)

Tony and Donna Brown appeared before the Board to request a waiver of section 49-631(b)(1), unisex toilet rooms. Mr. and Mrs. Brown are in the process of opening a dog boarding business. Mr. and Mrs. Brown cited cost and loss of space as their reason for requesting a waiver. Mr. and Mrs. Brown requested that the Board grant them a waiver of separate restrooms for each sex and allow them to install an ADA-compliant unisex restroom.

The Board reviewed the plan for this space. This business will have one employee; and business is by appointment only. Much of this space is taken up by dog kennels, food storage and cleaning supplies. Upon review of the business’ occupant load, the Board determined that the dog boarding area totals out at 900 square feet of the total square feet. Mr. Reed stated that if the dog boarding area is excluded from the fixture count, the business would meet the requirement to allow the installation of a unisex restroom.

Motion to allow a waiver of the required fixture count and to allow the installation of a unisex restroom for this business and address only by Mr. Killian. Second by Mr. Reed.

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

Motion carried 7-0
*Mr. Miller stated that the Plumbing Board would hear case numbers 10-7-90 and 10-7-91 together*

10-7-90
Jim Rogers
9535 Taylor St
Omaha NE 68134

REQUEST: Waiver to allow the installation of a private well for domestic use and for indoor pool.
Location: Western 10 acres of the 20 acre plot on the SE corner of 72nd and Rainwood Streets 49-1510

10-7-91
Hank Robinson
10624 Fowler Av
Omaha NE 68134

REQUEST: Waiver to allow the installation of a private well for domestic use.
Location: Eastern 10 acres of the 20 acre plot on the SE corner of 72nd and Rainwood Streets 49-1510

Jim Rogers and Hank Robinson appeared before the Board to request waivers to allow the installation of private wells at the SE corner of 72nd and Rainwood Road. This lot is currently in the process of being split into two single-family lots. The proposed well on Mr. Robinson’s half of the lot will be for domestic use only. The proposed well on Mr. Rogers’ half of the lot will be used for domestic use and to supply an indoor lap pool.

According to Metropolitan Utilities District, MUD has an 8” main in Rainwood Road, approximately 1800 feet east of 72nd Street. An 1800 foot main extension would be required in order to bring City water to the property, at a cost of approximately $129,000.00 to Mr. Rogers and Mr. Robinson. MUD is opposed to these applications for a waiver, citing the fact that requiring Mr. Rogers and Mr. Robinson to extend the main line past their property would allow MUD to complete a loop and eliminate two dead-end systems located in Silver Creek Estates. MUD requested that the Plumbing Board deny these waivers and require Mr. Rogers and Mr. Robinson to tie in to municipal water.

Doug Clark with the Douglas County Health Department stated that the Health Department’s opinion usually coincides with MUD in matters of well waivers. However, the Health Department is not opposed to these applications at this time. Mr. Clark confirmed that there is no water available to the property.

Mr. Miller stated his opinion that $129,000 was too high of an amount to ask Mr. Rogers and Mr. Robinson to pay. The Board inquired whether any other properties in the area currently have private wells. Mr. Rogers stated that with the exception of Silver Creek Estates to the south of the property, all of his neighbors have private wells. Mr. Miller restated his opinion that $129,000.00 was a ridiculous amount to ask a homeowner to pay simply because MUD does not have a main line available in the area. Mr. Clark stated that there is a possibility that some of the money could be recovered by Mr. Rogers and Mr. Robinson if those neighbors who currently have wells in the area decided to tie in to the main line after it was installed. However, there is a twenty year period in which the neighbor must pay to tie into the main line. After twenty years, all of the neighbors could decide to tie on and would be required to pay nothing to Mr. Rogers or Mr. Robinson.

Mr. Killian stated that it is the policy of the Plumbing Board to stipulate that homeowners must tie in to City water when and if it becomes available when they come before the Board to request a waiver. Mr. Robinson and Mr. Rogers stated that they had had been informed by MUD that some of their neighbors were given that stipulation when they obtained their waivers for a private well; however, some were not. Mr. Killian suggested that the Board hold this case over to the next meeting of the Board. He asked the Board Secretary to work with Mark Masek at the Metropolitan Utilities District to determine 1) which properties adjacent to Mr. Rogers’ and Mr. Robinson’s land currently have well water, and 2) which of these homeowners would be required as per the stipulations of their waiver to tie in to municipal water when and if it became available. Mr. Rogers and Mr. Robinson stated that this proposition would be agreeable to them.

Motion by Mr. Killian to hold these cases over to the August 11th, 2010 agenda of the Omaha Plumbing Board in order to allow MUD additional time to submit information to the Board regarding the number and location of wells in the area, and additional information regarding the applicants’ ability to recover some of the $129,000.00 cost associated with extending a main line to the property. Second by Mr. Estabrook.

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

Motion carried 7-0
REQUEST: Waiver of section 49-629(j)

Location: 10347 Pacific Street

Melissa Hegarty and Sharon Hansen, owners of Nothing Bundt Cakes and Monty Dixon with DB Construction appeared before the Board to request a waiver to allow the installation of a unisex restroom for employee use only. There will be no restroom available for the public in this business.

The Board reviewed the application. The lobby area of this building is approximately 423 square feet. Customers will come into this area solely to pick up pre-packaged cakes. No other food or drink will be sold in this establishment, and no seating is available in the area. Customers will not be able to dine in this lobby area.

Mr. Barrett stated that he has small children and would be unhappy to go into a business with his children and be told that there was no restroom available for their use. Mr. Virgil stated that the Plumbing Division is opposed to this waiver. Doug Clark stated that the Health Department is also opposed to this waiver, as Health Code does not allow the public to be required to pass through a kitchen area to access restrooms.

Ms. Hegarty stated that this is a franchise operation. She and Ms. Hansen are required to maintain the brand image of the store. Ms. Hegarty stated that to require her to install a restroom at the front of the establishment will force them to reconfigure the walk-in cooler space and to change the flow of operation for the business. Mr. Salem countered that although this is a franchise, local code requirements must still be met. Mr. Miller concurred with Mr. Salem, stating that codes should be taken into account during the planning stages of starting a business.

Mr. Estabrook asked Mr. Virgil how the Plumbing Division would feel about allowing the applicant to install a single unisex restroom at the front of the house for customer use and to leave the existing unisex restroom in the back of the business in place for employee use. Mr. Virgil stated that the Plumbing Division would be agreeable to this solution, and added that the Plumbing Division would most likely agree to allow the owners to eliminate the restrooms in the back of the house and to provide a single ADA-compliant unisex restroom at the front of the house for employee and public use. Mr. Virgil concluded by stating that the Plumbing Division does not support waivers which deny public use of restrooms. Mr. Estabrook concurred with Mr. Virgil. Mr. Killian stated that the owner would be required to re-appear before the Board to request a waiver to allow a unisex restroom for employee and public use.

Mr. Miller inquired as to who drew up the plans for this business. Ms. Hansen replied that the plans were drawn up by FM Group in Scottsdale, Arizona. Mr. Killian suggested that Ms. Hegarty and Ms. Hansen contact FM Group and ask them to modify their drawing to include a restroom at the front of the house. Mr. Killian suggested that the owners contact and work with Jim Wonder, Chief Plumbing Inspector, to rearrange this space to include a restroom for public use at the front of the establishment. If Ms. Hegarty and Ms. Hansen are not able to rearrange their space to the satisfaction of the Plumbing Division, they must reappear before the Board.

Motion to deny waiver by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 7-0
IV. *Journeyman Plumber Examination Applications*

Randy J Book
4867 S 56 St
Omaha NE 68117

Mr. Book was not present.

Motion to hold this case over to the October 20, 2010 meeting of the Omaha Plumbing Board by Mr. Estabrook. Second by Mr. Barrett.

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

Motion carried 7-0

Craig A Dortch
7428 Peters St
LaVista NE 68128

Integrity Plumbing
17105 Clark St
Omaha NE 68118

Craig A Dortch appeared before the Board.

Mr. Miller stated that all appeared to be in order with the application file.

Motion to approve by Mr. Reed. Second by Mr. Killian.

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

Motion carried 7-0

Patrick A Lang
9008 David Circle
Omaha NE 68138

Integrity Plumbing
17105 Clark St
Omaha NE 68118

Patrick A Lang appeared before the Board.

Mr. Miller stated that all appeared to be in order with the application file.

Motion to approve by Mr. Reed. Second by Mr. Killian.

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

Motion carried 7-0
Michael J Maier appeared before the Board.

Mr. Miller stated that all appeared to be in order with the application file.

Motion to approve by Mr. Reed. Second by Mr. Killian.

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

Motion carried 7-0

Tom J Nastase III
9266 Cady Av Apt #9
Omaha NE 68134

Carmody Plumbing
8504 N 29 St
Omaha NE 68112-2219

Michael J Maier appeared before the Board.

Mr. Miller stated that all appeared to be in order with the application file.

Motion to approve by Mr. Reed. Second by Mr. Killian.

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

Motion carried 7-0

Aaron T Osterholm
6759 Lafayette Av
Omaha NE 68132

Brooke Peters Plumbing
3120 N 84th Circle
Omaha NE 68134

Michael J Maier appeared before the Board.

Mr. Miller stated that all appeared to be in order with the application file.

Motion to approve by Mr. Reed. Second by Mr. Killian.

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

Motion carried 7-0
Jared T Taylor appeared before the Board. Mr. Taylor has never been registered as an Omaha apprentice, and is from Bellevue, Nebraska. Mr. Taylor submitted with his application copies of his Bellevue license, his expired Council Bluffs, Iowa license, and school and work records. Mr. Taylor completed a four year program at Metro Community College and a three year apprenticeship under a master plumber at a Bellevue, Nebraska plumbing shop. Mr. Taylor stated that he has worked in plumbing for longer than three years; however, three years is all that Bellevue requires in order to test for licensure.

Mr. Killian stated that although Mr. Taylor has completed a four-year plumbing program at Metro, he never registered as an Apprentice Plumber in Omaha. Therefore, the Board must hold Mr. Taylor to the requirements of the 2010 Omaha Plumbing Code, which require additional schooling and on-the-job hours for apprentice-level plumbers. Under the 2010 Omaha Plumbing Code, Mr. Taylor does not have the required number of school hours to meet the requirements to test for an Omaha Journeyman Plumber license.

Mr. Taylor stated that he had wanted to register as an apprentice plumber in Omaha, but his employer did not wish to register him. He was working in Bellevue and was not working within Omaha. Mr. Estabrook stated that Mr. Taylor has taken mathematics classes at Metropolitan Community College, and asked if the Board would consider counting these hours towards Mr. Taylor’s missing school hours. Mr. Killian stated that he felt Mr. Taylor needed to contact Jim Wonder, Chief Plumbing Inspector, to discuss whether these math classes would be considered acceptable to make up for the missing school hours. Mr. Killian suggested that this case be held over to the October 20, 2010 meeting of the Board.

Mr. Virgil stated that Mr. Taylor may be a candidate for the placement examination currently being developed by Mr. Wonder. The Board Secretary reminded the Board that the direction to take the placement examination must come from the Board, and cannot be given at the applicant’s request. The Board discussed this and agreed that since the placement examination is not currently ready, they did not wish to direct Mr. Taylor to take the placement examination at this time. Mr. Estabrook recommended that Mr. Taylor gather his additional school hours and speak to Mr. Wonder regarding whether the additional math classes that Mr. Taylor took could be counted towards his missing school hours.

Mr. Taylor asked if some exception couldn’t be made, since the Plumbing Code changed only six months before. Mr. Virgil stated that the Plumbing Board is seeing more and more cases of unregistered apprentices wishing to take the journeyman examination; to allow Mr. Taylor to take the August examination would be precedent-setting. Mr. Miller agreed with Mr. Virgil, and stated that the Board must hold Mr. Taylor to the requirements of the 2010 Plumbing Code Mr. Virgil stated that the Board’s options were 1) to deny Mr. Taylor’s application to take the journeyman examination or 2) to deny Mr. Taylor’s application to take the journeyman examination, and to direct him to take the placement examination once it becomes available.

Motion by Mr. Reed to hold this case over to the October 20, 2010 meeting of the Omaha Plumbing Board. Mr. Taylor has not been directed to take the placement examination at this time. Second by Mr. Wellendorf.

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

Motion carried 7-0
Christopher G Harrison appeared before the Board. Mr. Harrison has never been registered as an Omaha apprentice plumber, but has been working within Omaha city limits. Mr. Harrison holds a Bellevue Journeyman license, and he has completed the plumbing program at Metropolitan Community College.

The Board Secretary stated that Mr. Harrison came to the Planning Department and met with Mr. Wonder. Mr. Wonder directed him to get a letter from Mark Vodicka, formerly of Mr. Rooter Plumbing, confirming that Mr. Harrison worked for him. Mr. Miller read the letter from Mr. Vodicka, which stated that Mr. Harrison worked for his company (now no longer in business) from November of 2001 to April of 2008. Mr. Vodicka stated the Mr. Harrison did service and remodel work during this time, and did drain cleaning until he began school. Mr. Vodicka supervised Mr. Harrison as his journeyman plumber while he was employed with the company.

Mr. Harrison stated that Mr. Vodicka’s letter was incorrect. Mr. Harrison stated that he did service work, plumbing and drain cleaning during his entire time with the company, and denied that he did only drain cleaning before starting school. Mr. Harrison concluded by confirming that Mr. Vodicka did not send him out on plumbing jobs unsupervised; a journeyman plumber was always present with him.

Mr. Harrison currently works for Southside Plumbing. Mr. Harrison stated that he has asked his current employer to register him. When asked by the Board, Mr. Harrison stated that his current employer will not register him, even though he is currently working within Omaha limits. He has been with this company since 2008.

Mr. Killian inquired as to why Mr. Harrison was never registered to work in Omaha. Mr. Harrison stated that he did request to be registered, but was told by Mr. Vodicka that registration wasn’t necessary. Mr. Vodicka stated that he would appear before the Board with Mr. Harrison when he was ready to take the Journeyman examination. When asked why Mr. Harrison is not currently registered with Southside Plumbing, Mr. Harrison replied that Mr. Gruhn has too many apprentices who are currently taking the Journeyman examination but have not yet passed it.

Mr. Salem asked Mr. Virgil for the City’s position on this application to take the journeyman examination. Mr. Virgil replied that the placement examination is being created for difficult cases like this. Mr. Killian stated his opinion that Mr. Harrison’s case should be handled in the same way as Mr. Jared T Taylor (see page 7).

Mr. Harrison stated that his current employer, Southside Plumbing, has too many apprentices, and cannot register him. Mr. Harrison stated that holding his case over will mean that he will be unemployed. Mr. Reed sympathized with Mr. Harrison, but stated that a person cannot work within the City of Omaha if they are not registered to do so.

Motion by Mr. Reed to hold this case over to the October 20, 2010 meeting of the Omaha Plumbing Board. Mr. Harrison has not been directed to take the placement examination at this time. Seconded by Mr. Estabrook.

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

Motion carried 7-0

The Board directed Mr. Harrison to talk to Mr. Wonder and discussed Mr. Harrison’s options in regards to meeting the requirements listed in the 2010 Omaha Plumbing Code for journeyman plumber applicants. Mr. Harrison may take additional schooling to bring his school hours up to 2010 Omaha Plumbing Code requirements. He may also provide additional proof of on-the-job hours, signed off on by Mark Vodicka to the Board. The Board will re-review Mr. Harrison’s case at its October 20th, 2010 meeting. They may direct him to take a placement examination at that time, provided that the examination is available.
V. *Master Plumber Examination Applications*

Kris D Tressin  *From 4/28/10*  
301 W Wea St  
Paola KS 66071

KMZC Plumbing  
301 W Wea St  
Paola KS 66071

4/28/2010:

Mr. Tressin was not present.

Motion to hold this case over to the July 28th meeting of the Omaha Plumbing Board by Mr. Leddy. Second by Mr. Wellendorf.

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

Motion passed 7-0

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7/28/2010:

Mr. Tressin was not present.

Motion to place this case on file by Mr. Wellendorf. Second by Mr. Estabrook.

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

Motion carried 7-0

VI. Sewer Layer Examination Applications

Robert Garcia  
6804 N 91st Plaza, Apt. D  
Omaha NE 68122

Utility Trenching  
400 Pierce St  
Omaha NE 68108

Dustin Joons  
7710 N 39 St  
Omaha NE 68112

Utility Trenching  
400 Pierce St  
Omaha NE 68108

Luke Kardell  
504 Jefferson St  
Waterloo NE 68069

Kersten Construction Inc  
17909 Fairview Road  
Gretna NE 68028

Kevin Keilior  
8030 Spaulding Circle  
Omaha NE 68134

Arid Resources  
8802 S 135th St #100  
Omaha NE 68138

Justin Renz  
3304 S 82 Av Apt 4  
Omaha NE 68124

Kersten Construction Inc  
17909 Fairview Road  
Gretna NE 68028
Motion by Mr. Wellendorf to approve the above-listed applications for sewer layer examination in August. Second by Mr. Killian.

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

Motion carried 7-0

VII. Discussion

- The Board secretary stated that notifications have gone out for the first of two special meetings of the Omaha Plumbing Board. This meeting will take place on August 18, 2010 from 6:00 – 9:00 PM at the Common Ground Community Center in Elkhorn. This meeting is for the purpose of holding hearings for possible suspension/revocation of licenses. The Board Secretary stated that some of the people on her list have contacted the Plumbing Division and have submitted proof that they had the required number of continuing education hours for their license. The names of these people have been removed from the list of those who will be required to appear at the hearing on August 18th, 2010. Notices for the second hearing, to take place on September 15, 2010 at the same location, will be mailed out at a later date.

- The Board discussed procedures for suspension/revocation hearing procedures. Mr. Virgil reviewed a legal opinion received from the Law Department regarding suspension/revocation hearing procedures. The Board Secretary was asked to contact Alan Thelen with the City of Omaha Legal Department and request that he be present at their next meeting in order to provide additional clarification of this legal opinion.

- Mr. Killian inquired what the Plumbing Division would do if they catch Mr. Harrison (please see page 8) or any unlicensed plumber on a job site within Omaha city limits. Mr. Virgil replied that they could then go after the owner of the shop in court.

- The Board members decided that a letter will be sent out to the employer of the license holder involved informing them of the outcome of their employee’s hearing for possible suspension/revocation before the Board. The Board Secretary stated that some of the individuals whose cases will be reviewed are not currently employed. The Board agreed that notice of the results of all cases from the two special hearings will be placed in the Plumbing Board Minutes. A summary list of hearing results will be placed in the Discussion portion of the minutes as a secondary notice.

VIII. Adjourn

Motion to adjourn by Mr. Wellendorf. Second by Mr. Killian.

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

Motion carried 7-0. Meeting adjourned at 10:33am.

* = 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 1:30pm on Wednesday, August 11th, 2010 are due no later than 9:00am on Thursday, July 29th, 2010.
Visit the Planning Department’s Site on the Internet at http://co.douglas.ne.us/omaha/planning/boards/plumbing-board

TEST RESULTS ARE NOT AVAILABLE OVER THE PHONE