

MINUTES

OMAHA PLUMBING BOARD

Regular Meeting – Wednesday, January 11, 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
Daniel J. Wellendorf

Members Absent:

Others Present: Joseph Virgil, City of Omaha Planning Department
Reid Steinkraus, Douglas County Health Department

Mr. Miller called the meeting to order at 1:37 pm.

II. Election of Officers (Chair and Vice-Chair)

Motion by Mr. Estabrook to nominate David W. Miller as Chairman of the Omaha Plumbing Board. Second by Mr. Wellendorf.

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

ABSTAIN: Miller

Motion carried 6-0-1

Motion by Mr. Salem to nominate Jeff O. Estabrook as Vice-Chairman of the Omaha Plumbing Board. Second by Mr. Wellendorf.

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

ABSTAIN: Estabrook

Motion carried 6-0-1

III. Approval of Minutes from December 14, 2011

Motion by Mr. Estabrook to approve the minutes from the December 14, 2011 meeting of the Omaha Plumbing Board. Second by Mr. Salem

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

Motion carried 7-0

IV. *Apprenticeship Agreement

Derek Carmody
641 S 150th St
Omaha NE 68154

Carmody and Sons Services
641 S 150th St
Omaha NE 68154

The Plumbing Board received a request from the applicant that this case be held over to the next meeting of the Board.

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

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

Motion carried 7-0

Shawn L Nelsen
7830 N 151st St
Bennington NE 68007

ServiceOne Inc
9335 J St
Omaha NE 68127

The Board Secretary reported that Mr. Nelsen is already a registered apprentice plumber; he sent in the wrong application for renewal of his apprenticeship.

This request will be dealt with at the end of this meeting when the Board reviews requests for renewal of apprenticeship. No action was taken on this case.

V. *Cases

12-1-1
James H Wonder
City Planning Department
1819 Farnam St 11th Floor
Omaha NE 68183

REQUEST: 2012 Continuing Education Credit for:
- Plumbing Board Members
- City Plumbing Inspectors
- Apprentice School Instructors (ABC, Local 16, etc)
- Code Committee Members

49-215

Joseph Virgil appeared before the Board on behalf of James H Wonder in order to request that the Board grant 8 hours of continuing education credit for the 2012 calendar year to the people listed above.

Motion by Mr. Estabrook to grant 8 hours of continuing education for the 2012 calendar year to Plumbing Board members, City Plumbing Inspectors, Apprentice School Instructors and Code Committee members as requested. Second by Mr. Salem.

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

Motion carried 7-0

12-1-2

Jerry Elliott
1711 5th Av
Council Bluffs IA 51501

REQUEST: Request to move continuing education credit from 2011 to 2010.

49-636

The Board Secretary reported that Mr. Elliott had made an application to appear before the Board today in order to request to move continuing education hours; however, this matter was dealt with at the Board's December 15, 2011 meeting (Please see minutes from December 15, 2011 for more information).

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

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

Motion carried 7-0

12-1-3

Adam Simpson
Darland Construction Co
4115 S 133rd St
Omaha NE 68137

REQUEST: Variance of section 49-637

Location: 14805 W Maple
49-637

Adam Simpson of Darland Construction Company and Eric Westman of Alley Poyner Macchietto Architecture appeared before the Board. Mr. Simpson explained that the project in question has already been completed and has a temporary certificate of occupancy.

Mr. Simpson stated that on final inspection, it was discovered that one of the women's restroom stalls has less depth from the rear wall to the stall door than is required by the Plumbing Code. Currently, this restroom stall is 5 ½" shallower than what is required. Mr. Westman stated that the restrooms were designed to the proper specifications; however, unforeseen factors resulted in the space being smaller than was designed. This situation was not discovered until completion. When asked, Mr. Simpson confirmed that the restroom also contains a second stall. This second stall is handicapped-accessible and meets all code requirements. It is the non-handicapped stall that is the focus of today's request.

Mr. Simpson and Mr. Westman explained that demising walls and existing doors limit the amount of space available to modify the restrooms further. They illustrated these points with submitted drawings for the space. Mr. Reed asked whether it were still possible to enter the stall and shut the door as it currently stands. Mr. Simpson showed the Board a video which demonstrated that a person could enter the stall and shut the door.

The Board discussed various solutions for this problem, including requiring that the door of this stall swing in order to allow more space. Mr. Westman stated that he has explored numerous possible situations in order to find additional space for the restroom stall; however, all of the solutions he has identified result in making it more difficult to reach the adjacent handicapped-accessible stall.

Mr. Estabrook asked for the City's opinion in this matter. Mr. Virgil replied that the City does not support this variance request. Mr. Virgil stated that it is the Plumbing Division's opinion that they will receive complaints from citizens if this variance is granted.

Mr. Estabrook and Mr. Miller stated their opinion that this issue should have been identified and addressed before construction was completed. Mr. Killian postulated that 5 ½" doesn't make very much difference in whether or not a person can enter a restroom stall and close the door. He supported swinging the door outwards, and theorized about replacing the door with a curtain. He asked the Board Secretary for her thoughts on replacing a bathroom stall door with a curtain; she replied that, in her opinion, this would not be an acceptable solution in a public restroom. Mr. Virgil suggested that this case could be laid over in order to allow the applicant time to explore the option of swinging the door outwards. Mr. Barrett stated that this shortage should have been caught and corrected before final inspection.

After some discussion, Mr. Killian made a motion to grant the requested variance of Section 49-637, with the requirements that the partition door on the women's restroom stall in question reverse-swing and be self-closing. Second by Mr. Reed.

AYES: Killian, Reed, Wellendorf

NAYS: Barrett, Estabrook, Miller, Salem

Motion failed 3-4. Request denied.

12-1-4

Seth T Scarlett
1613 N 11th St
Omaha NE 68110

REQUEST: Variance of section 49-635, Right of use of toilet rooms in businesses by customers.

Location: 1613 N 11th St
49-635

Seth Scarlett appeared before the Board. Mr. Scarlett explained that the property in question is a recycling center. He asked that the Board allow him to operate without a restroom for 60 days while construction is completed on a new unisex restroom. He also asked that the Board allow him to install a unisex restroom instead of separate restrooms for men and women. Mr. Scarlett stated that this business employs primarily males; he also added that very few women ever come into the business.

Mr. Miller disagreed with Mr. Scarlett, stating that women do recycle and do go to recycling centers. Mr. Barrett stated his dislike for Mr. Scarlett's claim that women won't visit or work in a particular business. Mr. Scarlett stated that he had no objection to women being at the facility; however, currently, the employees are primarily male. Mr. Reed inquired as to the restroom facilities currently available at this site. Mr. Scarlett replied that there are temporary toilet facilities on site; this unit would be removed when the new restroom is completed.

Mr. Miller stated that based on the plans submitted, he could not see a hardship that would prevent Mr. Scarlett from being able to install separate restroom facilities for men and women as required by Code. Mr. Scarlett stated that the majority of the space within the building is taken up by machinery. This space will be further constricted by the installation of a new furnace and oil tank near the proposed unisex restroom.

When asked, Mr. Virgil stated that the City had no objection to this variance request.

After some discussion, Mr. Reed made a motion to allow the applicant a 60-day waiver of the requirement to have toilet facilities at 1613 N 11th St, with the understanding that restroom facilities will be installed within this timeframe. Second by Mr. Wellendorf.

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

Motion carried 7-0

12-1-5

Seth T Scarlett
1613 N 11th St
Omaha NE 68110

REQUEST: Variance of section 49-631, unisex toilet room

Location: 1613 N 11th St
49-631

Please see case number 12-1-4 for more information

Motion by Mr. Reed to approve requested unisex restroom for this business and occupancy only at 1613 N 11th St. Second by Mr. Wellendorf.

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

NAYS: Barrett

Motion carried 7-0

12-1-6

Todd Rannals
Millard Sprinkler
13235 Chandler Rd
Omaha NE 68138

REQUEST: Renewal of approval of Provider
Renewal of approval of Instructors
Renewal of approval of CEU Class

49-215

Dustin Nihsen of Millard Sprinkler appeared before the Board to seek approval of their annual continuing education seminar for their employees. When asked, the Board Secretary confirmed that this class has been approved by the Board for a number of years

Motion by Mr. Estabrook to renew the approval of Millard Sprinkler as a Provider, to renew approval of the submitted instructors for this seminar, and to renew approval of a four hour continuing class for Millard Sprinkler employees only. Second by Mr. Salem.

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

Motion carried 7-0

12-1-7

Jensen Well Company
767 Iowa St
Blair NE 68008

REQUEST: Waiver to allow the installation of a well for manufacturing purposes.

Location: 6205 N 87th Circle
49-1510

Bill Condon of Jensen Well Company appeared before the Board with Randy Stark of Consolidated Concrete. Mr. Condon stated that his client would like to seek a waiver to allow the installation of a private well for the manufacture of concrete. Mr. Miller stated that, according to the case file, the Metropolitan Utilities District (MUD) is opposed to this request as they currently supply water to the location.

The Board Secretary stated that this applicant appeared before the Board with the same request on May 12, 2010 (Please see case file for more information). Mr. Miller reviewed the minutes from that meeting, noting that at that time MUD, the Douglas County Health Department and the Plumbing Division were opposed to the waiver request. Ultimately, Mr. Stark's application for a well was denied.

Mr. Miller stated that MUD is still opposed to this request. He asked Mr. Virgil and Mr. Steinkraus whether their division's positions had changed since this case's last appearance before the Board. Both Mr. Virgil and Mr. Steinkraus replied that their agencies were in opposition to this request.

Mr. Estabrook stated that at this case's last appearance before the Board, there was a reference made to the fact that other concrete companies in the area have well water. Upon further discussion, it was determined that these locations were located outside the city limits; therefore, they were not subject to the same regulations as Mr. Stark, who operates within the City of Omaha. Mr. Condon confirmed that the reason for this request was due to the fact that well water remains at a near-constant temperature, unlike municipal water.

After some discussion, Mr. Killian made a motion to hold this case over to the next meeting of the Board in order to allow the applicant more time to obtain data regarding temperature variances in City water versus well water. Second by Mr. Estabrook.

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

Motion carried 7-0

12-1-8

Albert Macchietto
Alley Poyner Macchietto Architecture
1516 Cuming St
Omaha NE 68104

REQUEST: Variance of section 49-636, Table 5

Location: 180th & Burke Streets
49-636

Dan Dolezal and Albert Macchietto of Alley Poyner Macchietto Architecture appeared before the Board with Kim Sayer of Village Pointe Pediatrics. Mr. Dolezal described the fixtures available in this facility, and stated that this request is to eliminate the required urinal in this facilities' restrooms.

Ms. Sayer explained that her clinic has another location on 168th and Burt. This facility has urinals in the patient restrooms. Ms. Sayer stated that having urinals in these restrooms has proven to be a sanitary hazard, as children will play with the fixture. She added that urinals at this location have been flooded on more than one occasion due to children trying to flush items down them.

Mr. Dolezal stated that the primary occupation of these restrooms will be women with their children. Mr. Killian stated that based on the information provided, he had no objection to this waiver. Several other Board members agreed. Mr. Virgil stated that the Plumbing Division supports this waiver. Health Department stated that they had no objection to this request.

Motion to approve requested variance of section 49-636, Table 5 by Mr. Wellendorf. Second by Mr. Salem.

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

Motion carried 7-0

12-1-9

Ron Morford
Industrial Sales Company Inc
14503 Prairie Corners Rd
Omaha NE 68138-3847

REQUEST: Renewal of approval of Provider
Renewal of approval of Instructors
Renewal of approval of CEU Class

49-215

Ron Morford of Industrial Sales Company Inc appeared before the Board to request renewal of their previous approval to host and teach continuing education classes. Mr. Miller reviewed Mr. Morford's application, noting that Mr. Morford plans to use instructors that have been approved by the Board in past years.

Motion by Mr. Estabrook to renew the approval of Industrial Sales Company as a Provider, to renew approval of the submitted instructors for this seminar, and to renew approval of a four hour continuing class for lawn sprinkler contractors only.

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

Motion carried 7-0

12-1-10

Great Plains Well Service
17005 M St
Omaha NE 68135

REQUEST: Waiver to allow the installation of a private well.

Location: 1233 S 225th Waterloo
49-1510

Frank Marksen with Great Plains Well Service appeared before the Board. Mr. Miller reviewed the file, noting that the Metropolitan Utilities District had no objection to this request for a well. Mr. Steinkraus stated that the Health Department could not support this waiver request due to the need to ascertain the locations of known septic systems on and adjacent to this property. A well located too close to a septic system could become contaminated, posing a health risk.

After some discussion, Mr. Estabrook made a motion to hold this case over to the January 25, 2012 meeting of the Board in order to allow the applicant more time to supply information regarding the septic systems in this area.

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

Motion carried 7-0

12-1-11

Jeremy Neill
United Rentals
14515 Meadows Bd
Omaha NE 68138

REQUEST: Renewal of approval of Provider
Renewal of approval of Instructors
Renewal of approval of CEU Class

49-215

Jeremy Neill appeared before the Board to seek renewal of approval for Utility Trenching's annual continuing education classes. When asked, Mr. Neill stated that he has made no substantive changes to the program that the Board approved last year.

After reviewing the case file, Mr. Estabrook made a motion to renew the approval of United Rentals as a Provider, to renew approval of the submitted instructors for this seminar, and to renew approval of a two continuing education classes. Each class will count for four hours of continuing education credit for sewer layers and two hours of credit for journeyman and master plumbers. Second by Mr. Salem.

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

Motion carried 7-0

VI. Approval of Apprenticeship Renewals (67)

Joe Apicella	Plumbers Local Union 16	Local 16
Hugh Jay Bassett	Wiese Plumbing	Completed
Brandon Behny	Dave Janke Plumbing Inc	Completed
Anthony Bewley	Eyman Plumbing	Local 16
Kurt Chalek	TSI Mechanical	Local 16
Oswaldo Cortes	TSI Mechanical	Local 16
Daniel Delgado	Backlund Plumbing	Metro
Richard Erlandson	Roto Rooter Services	Metro
Andrew Evers	Thompson Plumbing	Local 16
Shane Farley	Precise Plumbing	ABC
Nick Ferraguti	Plumbers Local Union 16	Local 16
Aaron Frank	Micro Plumbing	Metro
Robert Frank	Red D Plumbing	Completed
John Gitchell	Simet Plumbing	Metro
Patrick Gobel	Carmody Plumbing	Completed

Robert Grebe	Dave Janke Plumbing Inc	Completed
Aaron Grell	Vincentini Plumbing	ABC
Donald G Harrell	Plumbing & Electrical Cont.	Completed
Justin Howell	The Frazier Company	Completed
Cory Hutchison	Tony Leonardo Plumbing	Completed
Andrew Ives	Wonder Plumbing Inc	Completed
Christopher Jensen	Roto Rooter Services	Completed
Rick Kalthorn	Butch the Plumber Inc	Completed
Jeffrey Kappius	BK Plumbing Inc	Completed
Seth Kersten	Dave Janke Plumbing Inc	Completed
Anthony J Kolar	The Plumbing Doctor Inc	Completed
Andrew M Korten	Ray Martin Company	Local 16
Dan Kudlacek	DRZ Plumbing	Metro
Patrick Lang	Integrity Plumbing	Completed
Michael J Larson	Dave Janke Plumbing Inc	Completed
Joseph Linhart	Plumbers Local Union 16	Local 16
Benjamin Lloyd	Plumbers Local Union 16	Local 16
Vincent Lohmeier	Simet Plumbing	Metro
Mike Maier	Burton Plumbing	Completed
Ben Marshall	Roto Rooter Services	Completed
Michael McCart	Mainelli Mechanical	Local 16
Kevin McDonnell	Walz Plumbing Service Inc	Completed
Stephen McConnell	Plumbers Local Union 16	Local 16
James McNeil	Mainelli Mechanical	Local 16
Chad Minahan	Thermal Services	Completed
Chris Morrison	MMC	Local 16
Raymond H Nichols	Southside Plumbing LLC	Completed
Kevin Nieto	Vincentini Plumbing	Completed
James Novotny	Southside Plumbing LLC	Completed
William O'Connor	Burton Plumbing	Metro
Matt Parrott	Eyman Plumbing	Local 16
Carl Parys	MMC	Local 16
Jeremy Porter	MMC	Local 16
Kalvin Primes	Roto Rooter Services	Metro
Joseph Rempe	Micro Plumbing	Metro
Brian Robinson	Roto Rooter Services	Metro
Chance Rohlfling	Wonder Plumbing Inc	Metro
Kevin Seeley	Dave Janke Plumbing Inc	Completed
Jack Shelton	Wonder Plumbing Inc	Metro
Brian W Smith	Raven Plumbing	Metro
Thomas J Stuart Jr	Micro Plumbing	Completed
Jeff Tritz	Mainelli Mechanical	Local 16
Andrew Tuff	UNMC	Metro
Giovanni Vaccaro	Plumbers Local Union 16	Local 16
Brandon Vail	The Waldinger Corporation	Local 16
Nicholas C Waddell	Wonder Plumbing Inc	Metro
John D Wageman	Able Plumbing	Completed
Jason A Watkins	UNMC	Completed
Todd Wesely	Wonder Plumbing Inc	Metro
Lucas Williams	Wonder Plumbing Inc	Metro
Garrett Wirges	Dave Janke Plumbing Inc	Metro
Wyatt Wirges	Dave Janke Plumbing Inc	Other

Motion to approve the above-listed 68 applicants (including Shawn L Nelsen, *please see above*) for renewal of apprentice plumber license by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 7-0

VII. Discussion

- The Board discussed appointment of a permanent Douglas County Health Department representative for Plumbing Board meetings. Mr. Steinkraus stated that he will most likely attend these meetings until a permanent replacement for Doug Clark has been hired.

VIII. Adjourn

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

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

Motion carried 7-0. Meeting adjourned at 2:36 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 1:30 pm on Wednesday, January 25, 2012 are due no later than 9:00am on Thursday, January 12th, 2012.

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