MINUTES
OMAHA PLUMBING BOARD
Regular Meeting – Wednesday, May 23, 2012
9:00 am – 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:

Others Present: James Wonder, City of Omaha Planning Department (non-voting)
               Reid Steinkraus, Douglas County Health Department (non-voting)

Mr. Miller called the meeting to order at 9:03 am.

II. Approval of Minutes from May 9th, 2012

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

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

Motion carried 5-0-1.

III. Apprenticeship Agreement

Andrew M Desoe From 3/14/2012 & 4/11/2012
780 N 4th St
Omaha NE 68059

The Frazier Company
14830 B Circle
Omaha NE 68144

3/14/2012:
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
4/11/2012 (Discussion):

- The Board reviewed submitted W-2’s for apprentice plumber applicant Mr. Andrew DeSoe. Mr. DeSoe appeared before the Board previously on March 14, 2012 (see minutes) and was given a start date of January 1, 2012. At that time, Mr. DeSoe was directed to submit additional documentation regarding his work history so that the Board could discuss it at today’s meeting and possibly grant him more credit for time worked. Mr. DeSoe was not required to be present at today’s meeting. Upon review of the submitted sheets, the Board came to the consensus that they needed more information regarding Mr. DeSoe’s hours of employment. Mr. DeSoe will be asked to reappear before the Board at an upcoming meeting in order to explain his work history, specifically for those years that he was employed by DRZ Plumbing.

5/9/2012:
Mr. DeSoe reappeared before the Board. Mr. DeSoe brought in pay stubs from his time with DRZ Plumbing. He requested a start date of January 1, 2011. After some discussion, the Board asked Mr. DeSoe to send copies of these pay stubs to the Board Secretary. He was also asked to include a summary page showing the total hours worked each month. The Plumbing Division could then verify Mr. DeSoe’s totals.

Motion by Mr. Reed to approve a start date of January 1, 2011, pending verification of employment records. Second by Mr. Wellendorf.

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

Motion carried 6-0

5/23/2012:
Mr. DeSoe reappeared before the Board. Mr. Wonder stated that Mr. DeSoe had submitted copies of his pay stubs to the Board Secretary as requested at the Board’s last meeting (see 5/9/2012, above). Mr. Wonder stated that after review of these submitted hours, he recommended that the Board note that Mr. DeSoe received credit for the time period worked from May of 2010 to April 2011. Mr. Reed stated that the Board could then grant Mr. DeSoe an effective start date of January 12, 2011.

Motion by Mr. Reed for the record to show that Andrew DeSoe’s effective start date is January 12, 2011. This date is based on the fact that credit was granted for one year’s worth of work; specifically, May 2010 through April 2011. Second by Mr. Estabrook.

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

Motion carried 6-0
IV. Cases

12-5-61
Frank Marksen
Great Plains Well Service LLC
17005 M St
Omaha NE 68135-1459

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

Location: 23809 F Plaza Lot 12 Waterloo
49-1510

Frank Marksen appeared before the Board with a request for a waiver to allow the installation of a replacement well at 23809 F Plaza Lot 12 in Waterloo, NE. Mr. Miller reviewed the file and noted that neither the Douglas County Health Department nor the Metropolitan Utilities District had any objection to this request.

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

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

Motion carried 6-0

12-5-63
Robert Kahn
MLH Inc DBA Garbo’s Salon and Spa
120 Regency Parkway Suite 176
Omaha NE 68114

REQUEST: Variance of section 49-703(g), traps and tubing for commercial installations, as regards shampoo sinks.

Location: 120 Regency Parkway Suite 139
49-703(g)

12-5-64
Robert Kahn
MLH Inc DBA Garbo’s Salon and Spa
120 Regency Parkway Suite 176
Omaha NE 68114

REQUEST: Variance of section 49-618(d), lavatories, as regards shampoo sinks.

Location: 120 Regency Parkway Suite 139
49-618(d)

12-5-65
Robert Kahn
MLH Inc DBA Garbo’s Salon and Spa
120 Regency Parkway Suite 176
Omaha NE 68114

REQUEST: Variance of section 49-1407, Distance of trap from fixture, as regards shampoo sinks.

Location: 120 Regency Parkway Suite 139
49-1407

*The Board voted to hear the above cases together. Mr. Reed recused himself from voting on these cases; however, he stated that he would participate in discussion of these requests.*

Robert Kahn of Garbo’s Salon and Alex Ryan of MHC Contractors appeared before the Board. Mr. Miller reviewed the three requests. All are related to the use of tilting shampoo sinks in a salon.

In regards to the first request (12-5-63), Mr. Estabrook inquired as to how the Board has dealt with such cases in the past. Mr. Wonder stated that previously, the Board has allowed for a flexible tailpiece not to exceed twelve inches. The rest of the piping had to brass. After some discussion, the Board generally agreed that this was an acceptable solution.

Mr. Reed stated that the second request (12-5-64) was in regards to the pipe diameter permitted on these fixtures. He stated that the sink comes with 1” piping; however, the Omaha Plumbing Code requires not less than 1 ½”. Mr. Kahn stated that they had no objection to upsizing the piping to 1 ½”. Mr. Estabrook inquired as to the strainer size on the fixtures. Mr. Ryan stated that the sink comes with a 1” outlet. With the Board’s approval, his company will install 12’ of flexible tubing, then upsize the piping to 1 ½” as per Code.
Mr. Ryan stated that the third request (12-5-65) was a mistake on his part. He asked that this request be withdrawn from consideration at today’s meeting. The Board agreed to withdraw case number 12-5-65 as requested.

After some additional discussion, Mr. Estabrook made a motion approve requested waivers of section 49-703(g) and 49-618(d); specifically, to allow the use of flexible tubing at a maximum of 12” in length, and to allow the applicant to use the manufacturer’s provided 1” piping, with the stipulation that this piping must be upsized to 1 ½” immediately after the allowed flexible tubing. This approval is for a total of six fixtures at this location only. Second by Mr. Salem.

AYES: Barrett, Estabrook, Killian, Miller, Salem

ABSTAIN: Reed

Motion carried 5-0-1.

12-5-66
All Saints Episcopal Church
9302 Blondo St
Omaha NE 68134

REQUEST: Variance of section 49-630, toilet rooms for two sexes and 49-631, unisex toilet rooms

Location: 9302 Blondo St
49-630,631

Kelly Rosburg with BVH Architects appeared before the Board. Mr. Wonder explained that he has reviewed the requested waivers. He stated that the church’s lower level is used for retreats, and has bedrooms, showers, etc. The upper level has a meeting area. This meeting area has a kitchen; however, Mr. Wonder stated that this meeting area is small, and cannot support a large gathering of people. The church has a hall that they can use for wedding receptions, etcetera.

Mr. Wonder stated that the church wishes to remodel and slightly expand their upstairs meeting area in order to make it handicapped-accessible. Mr. Wonder reminded the Board that the church is not required to make any alterations to their meeting area at this time, as it meets the requirements of the Code that were in place at the time of its construction in 1974. They would like permission to install a larger unisex restroom with a urinal in this meeting area. Mr. Wonder stated that putting in separate restrooms for men and women in this area would cut into the available meeting space. Mr. Wonder concluded by stating that the Plumbing Division had no objection to this waiver. Mr. Reed commented that the proposed unisex restroom could be considered as a family restroom, as plans show that it will have a lavatory, water closet, urinal and changing table in it.

Mr. Estabrook asked the applicant what the upstairs meeting area is typically used for. Ms. Rosburg replied that the church primarily uses this area for youth group. Small meetings can also take place in this area, such as the church’s women’s group. Ms. Rosburg stated that the meeting area is approximately 1300 square feet, and carries a maximum occupant load of 90 people. Mr. Estabrook stated that with that sort of potential occupancy, he would think that the church would want to offer multiple restrooms. Ms. Rosburg stated that additional restrooms are available on the lower level.

Mr. Reed asked Mr. Estabrook whether he would rather have the church upgrade the restroom in this space to make it ADA-compliant, or not touch the area at all, leaving it so that it is not handicapped-accessible. He stated that if the Board required the church to install two separate restrooms, there would be a good chance that the church would choose not to go ahead with their remodeling plans. Ms. Rosburg confirmed this probability.

Mr. Killian likened this case to situations in areas like Benson and the Old Market, which frequently have very old existing restrooms that are not ADA-compliant. Ms. Rosburg commented that this case is unlike a restaurant, which is in constant use. The church’s meeting area is used two to three times per month.

Mr. Wonder stated that the only reason that this case was required to come before the board today was due to the fact that this area has a kitchen in it. Mr. Reed stated that he would rather see the applicant upgrade to ADA-accessibility and add a urinal than do nothing. Mr. Wonder concurred with Mr. Reed’s opinion. Mr. Estabrook stated that he would rather see this applicant install a second room so that people in the meeting area wouldn’t need to use the additional restrooms on the lower level. Mr. Reed countered, stating that if the Board voted to require separate restrooms in this area, the church would most likely pull the renovation project altogether. Ms. Rosburg confirmed that this would be the end result of such a requirement. Mr. Wonder commented that to install two restrooms would severely limit the space’s ability to function as a meeting room.
Mr. Killian sympathized with Mr. Estabrook, stating that it would be nice if the church could offer two restrooms in this area. Mr. Rosburg commented that the proposed unisex restroom would be the only handicapped-accessible restroom in the building. Mr. Reed stated that there is no handicapped-accessible restroom in this building at all; approval of today’s request would benefit handicapped people using the facility. Ms. Rosburg added that she had completed a fixture count for the church; it currently exceeds fixture count requirements, although all of the other restrooms are existing and are not ADA-compliant.

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

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

Motion carried 5-1.

12-5-62
James Wonder
City of Omaha
1819 Farnam St
Omaha NE 68183

REQUEST: Approval of changes to Section 49-232, Qualifications and 49-222, Qualifications

5/9/2012:
James Wonder appeared before the Board. He asked that the Board hold this case over to the next meeting.

Motion to hold this case over to the next meeting by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 6-0.

5/23/2012:
James Wonder reappeared before the Board. The Board members reviewed the proposed changes to section 49-232, Qualifications and 49-222, Qualifications. These changes are being proposed in order to standardize requirements for examination for licensure. This will allow the Board to clear up requirements for out-of-jurisdiction plumbers, and may be of some benefit for those apprentices who were laid off during the recent economic difficulties. The proposed changes are outlined below:

Sec. 49-222. Qualifications.
An applicant for a license as a master plumber shall submit evidence of one of the following qualifications:

(a) Have four consecutive years’ experience in the installation of plumbing systems while holding a journeyman plumber’s license issued by the City; or

(b) Provide evidence of qualifying as a master plumber in a city of equivalent size that requires similar qualification criteria.

(c) If the community in which the applicant has worked does not require instruction, on the job training or a plumbing license, the plumbing board may accept a minimum of twelve consecutive years of plumbing installation experience with a minimum of 300 hours worked each of the twelve years to accrue a minimum total of 21,000 hours.

(Special consideration will be given when active military service prevents a trainee from fulfilling the “consecutive training” requirements.)
If the applicant has met the above criteria then he/she shall take an exam administered by the plumbing board to determine his/her competency.

**Sec. 49-232. Qualifications.**

An applicant for a license as a journeyman plumber shall submit evidence of one of the following qualifications:

(a) Complete a four year apprenticeship program certified by the city; or

(b) Provide evidence of completing a course of study with an equivalent number of instructional hours and on-the-job experience hours as required by a certified city program; or

(c) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria.

(c) Provide evidence of completing a training period of a minimum of seven consecutive years, where the trainee worked a minimum of 300 hours each of the seven years to accrue a minimum total of 7,000 hours; or

(d) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria; or

(e) If the community in which the applicant has worked does not require instruction, on the job training or a plumbing license, the plumbing board may accept a minimum of eight consecutive years of plumbing installation experience with a minimum of 300 hours worked each of the eight years to accrue a minimum total of 14,000 hours.

(Special consideration will be given when active military service prevents a trainee from fulfilling the “consecutive training” requirements.)

(c) Provide evidence of qualifying as a journeyman plumber in a city of equivalent size that requires similar qualification criteria.

If the applicant has met one of the above criteria, he/she may take an exam administered by the plumbing board to determine his/her competency.

Mr. Barrett stated that he supported these changes, citing the fact that the Board has faced difficulties in the past with determining whether applicants from other jurisdictions have met the requirements to sit for an Omaha license. He added that the proposed changes are in line with motions that the Board have made in the past in order to deal with such cases. Mr. Barrett commented that the proposed changes simply formalize those solutions that the Board has come up with to deal with such cases in the past.

Mr. Miller questioned the language referring to completing 300 hours per year. He expressed concern that master applicants would come to the Board only having completed 300 hours per year for the past twelve years and expect to be allowed to sit for an examination. Mr. Reed and Mr. Wonder pointed out that according to the way the language was written, the applicant would still need to be able to prove a minimum of 21,000 on the job hours; something that would not be possible if the applicant only worked 300 hours per year.

Mr. Reed discussed past situations in which an applicant from another jurisdiction applied to take the examination. Some of these people were denied because their jurisdictions did not have what the Board considered to be similar requirements. Mr. Reed stated that the proposed changes to the code will make it easier for an out-of-jurisdiction candidate to show that he is eligible to sit for the Omaha exam. It will also make it easier for the Board members to approve this applicant for testing, since there will be clearer requirements of eligibility. Mr. Reed stated that these applicants would still have to pass the examination.
Mr. Wonder asked the Board whether they would like to vote to hold a public hearing. Following this public hearing, the proposed changes could be sent to the City’s legal department, and finally, to the City Council for ratification and inclusion in the Omaha Plumbing Code. Mr. Estabrook stated that he supported this course of action.

After some additional discussion, Mr. Reed made a motion to accept the proposed code changes to Section 49-232, Qualifications and 49-222, Qualifications as written. A public hearing will take place at the Board’s June 13, 2012 meeting. Second by Mr. Estabrook.

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

Motion carried 6-0.

V. Discussion

- Mr. Wonder reported back on the possibility of offering continuing education classes online for Omaha license holders. He has been in contact with Mike Wentink at the State of Nebraska and is working with him to come up with an acceptable format. Mr. Wonder stated that he will report back to the Board as this process continues

VI. Adjourn

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

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

Motion carried 6-0. Meeting adjourned at 9:41 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.

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