MINUTES
OMAHA PLUMBING BOARD
Regular Meeting – Wednesday, June 27th, 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
Brian Feyerherm
David W. Miller, Chairman
Christopher P. Reed

Members Absent:
Kristin M Nelson
Terry Salem

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

Mr. Miller called the meeting to order at 9:05 am.

II. Approval of Minutes from June 13th, 2012
Motion by Mr. Estabrook to approve the minutes from the last meeting. Second by Mr. Reed.
AYES: Estabrook, Miller, Reed
ABSTAIN: Barrett, Feyerherm

Motion carried 3-0-2

III. Examination Reviews

Journeyman Plumber

Chad R Miller  ABSENT
11910 N 157th St
Bennington NE 68007

Master Plumber

Brad E Conn  From 6/13/2012  ABSENT
6646 Lafayette Av
Omaha NE 68132

Vincentini Plumbing
2308 S 16th St
Omaha NE 68132

Earl Jake Lindner  From 6/13/2012  ABSENT
11246 Morgan Circle
Blair NE 68008

N. Pitlor & Son
10901 I St
Omaha NE 68008

Brian M Shank  ABSENT
3501 85th Ave N
Brooklyn Park MN 55443

Shank Constructors Inc
3501 85th Ave N
Brooklyn Park MN 55443
IV. Public Hearing

12-6-67
James Wonder
City of Omaha
1819 Farnam St
Omaha NE 68183

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

6/13/2012:
James Wonder appeared before the Board. Mr. Wonder stated that the proposed changes allow the Board to consider more applicants for licensure testing who might not otherwise be able to meet the current code’s requirements. These changes are particularly useful in cases of out-of-jurisdiction plumbers or those apprentices caught in the recent economic difficulties. Mr. Wonder reviewed the proposed changes, listed 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.

(d) 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. Wonder stated that, as the Board had requested, he added language specifying that the Board will give special consideration in cases where active military service interferes with the applicant’s ability to complete the consecutive training requirements listed in Plumbing Code. He also added language to both code sections stating that the Board may give special consideration in cases of illness, disability or other medically-related conditions.

Mr. Wonder stated that a question had been raised at the last meeting of the Code Committee regarding section 49-222(a): “…(a) Have four consecutive years’ experience…” Mr. Wonder stated that one of the committee members was concerned that an applicant may obtain his journeyman license, leave the field for other types of work, and then attempt to register for the master plumber’s examination after years of being out of the field. Mr. Wonder stated that according to his interpretation of the Plumbing Code, such an applicant could potentially be approved to take the master plumber examination, despite the possibility that he had not been operating in the plumbing field for quite some time. Mr. Wonder stated that this committee member is currently working on additional language dealing with this issue; however, Mr. Wonder did not receive this drafted language before the committee member went on vacation.

Mr. Killian asked whether this theoretical applicant would still have been required to pay for his license and maintain his continuing education during his absence from the plumbing field. Mr. Wonder replied that this was a possibility, but not a requirement. Mr. Reed stated that he could see this issue coming up in the future. Mr. Killian stated that in his opinion, this language should be changed in such a way that this type of applicant would be required to maintain his license during his absence from plumbing. Mr. Estabrook countered that this section should be changed to require the applicant have worked in the plumbing field in the years immediately preceding their application for licensure. Mr. Salem and Mr. Miller cautioned Mr. Wonder that the language in this section needed to be right in order to eliminate any confusion.

Mr. Wonder suggested that the Board could choose to lay this case over. Doing so would allow more time for the language in section 49-222(a) to be modified. After some discussion, the Board agreed, and asked Mr. Wonder to coordinate this modification with the Code Committee members. This item will be up for further discussion at the next meeting of the Board on June 27th, 2012.

Mr. Miller asked if there were any members of the public at today’s meeting who wished to speak in regards to the proposed code changes. Pat Leddy and Arrick Jazynka of Plumber’s Local 16 appeared before the Board with Mike Dowd, legal representation for the union. Mr. Dowd raised objections to the proposed changes to the code, asserting that the proposed code language could potentially harm those apprentices who were caught up in the recent economic difficulties. He said that there have been several examples of apprentices who, due to the economy, were unable to make the yearly on-the-job training requirements. Mr. Dowd stated that if the Board considered the total number of hours that the apprentice had completed, rather than requiring a set number of hours each year, they would see that many of these people’s total hours over a five year period exceeds the sum of the yearly requirement currently listed in the Code.

Mr. Dowd presented what he termed as a “sunset provision” (see file for more information). This document would apply only to those individuals affected by the economic recession of 2008 through 2010. Mr. Dowd stated that if the Board chose to adopt this sunset provision, there would be no need to make amendments to the Plumbing Code. He discussed a particular example in which a Local 16 apprentice had an average of on-the-job hours for the first three years of his apprenticeship, but had a shortage of hours due to the economy during his fourth year. Mr. Dowd asserted that if the Board chose to adopt his proposed sunset provision, it would allow this applicant to meet the requirements for testing.
Mr. Killian stated that part of the hour requirements for apprentice plumbers is the experience that they gain in the trade. He argued that just because an apprentice worked more hours in one year doesn’t mean that he has more experience of the various situations encountered in the plumbing trade. Mr. Killian asserted that in addition to the experience gained through on-the-job training, unwritten concepts such as age, maturity, proper decision making and exposure must also be a consideration. He added that no matter what field one studies in, there are minimum requirements. Accelerating through a program does not necessarily mean that you are more experienced than someone who has completed a training program in the traditional manner. Mr. Killian stated that he would not support Mr. Dowd’s sunset provision, as it is a temporary fix, and would pave the way for further requests for sunset provisions in the future. The proposed Code changes would be permanent and would still help those apprentices affected by the economy, without singling out one group over all those plumbers currently operating in Omaha who were also affected by the economic crunch.

Mr. Dowd countered that his sunset provision applies to a small, finite number of people. He claimed that these apprentices should not be punished for a situation beyond their control. Mr. Killian countered by saying that the Plumbing Board cannot fix the past economy. Mr. Reed said that if the Board approved Mr. Dowd’s sunset provision, they could then be confronted with applicants who had worked a considerable amount of overtime and managed to complete their hours in two years. Mr. Wonder pointed out that the code changes being discussed here today were proposed with those affected by the recession in mind; however, the Board also wishes to amend the code in order to supply clearer equivalency guidelines for out-of-jurisdiction plumbers. Even if the Board chose to adopt Mr. Dowd’s proposed sunset provision, there would still be an issue regarding the clarification of requirements for out-of-jurisdiction plumbers that the Board wished to address.

Mr. Dowd protested that the proposed changes could potentially mean that a person, short on hours due to a situation beyond their control, would have to work for over seven years as an apprentice in order to meet qualifications for testing. Mr. Killian restated his opinion that the Board cannot control the economy. Mr. Wonder stated that Mr. Dowd was misinterpreting the code changes. After some additional discussion regarding the interpretation of the proposed language in section 49-222, Mr. Wonder asked Mr. Dowd whether he would be willing to draft alternate language for this section. Mr. Dowd stated that he would be happy to email this draft to Mr. Wonder.

Motion to hold this case over to the June 27th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0

6/27/2012:
Joseph Virgil, City of Omaha plumbing inspector, appeared before the Board. Mr. Miller stated that Mr. Wonder was not able to be present at today’s meeting and is still awaiting the modified language discussed at earlier meetings. Mr. Miller recommended that the Board hold this hearing over to their next meeting, scheduled for July 11, 2012.

Motion to hold this public hearing over to the July 11, 2012 meeting of the Board by Mr. Estabrook. Second by Mr. Reed.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1
V. Renewal of Apprenticeship Program

REQUEST: Renewal of approval of apprenticeship program.

12-6-71
Kent Wirges
Dave Janke Plumbing
15013 Grover St
Omaha NE 68144

Kent Wirges appeared before the Board. The Board Secretary stated that Dave Janke Plumbing has a Board-approved approved apprenticeship program; they were seeking renewal of that approval due to code changes. Mr. Miller commented that all appeared to be in order with the file.

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

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1

VI. Apprenticeship Agreement

Carson E Wirges
24310 Howard
Waterloo NE 68069

Dave Janke Plumbing
15013 Grover St
Omaha NE 68144

Carson Wirges and Kent Wirges of Dave Janke Plumbing appeared before the Board. Mr. Wirges requested a start date of June 1, 2012 for his son. Mr. Miller reviewed the application file, and commented that the shop had omitted the required payroll summaries to support the requested start date. Mr. Wirges stated that he would have his office staff send the appropriate documentation over to the Board Secretary as soon as possible. Carson Wirges’ license card would be mailed out after this documentation is received.

Motion by Mr. Estabrook to approve Carson Wirges as a registered apprentice with a start date of June 1, 2012, pending receipt of payroll summaries by the Board Secretary. Second by Mr. Reed.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1
VII.  *Cases*

**12-6-78**

Bill Condon  
Jensen Well Company  
767 Iowa St  
Blair NE 68008

REQUEST: Waiver to allow the installation of a private well for irrigation purposes only

Location: 9904 Florence Heights Bd  
49-1510

Mr. Condon was not present.

Motion to hold this case over to the July 11th, 2012 meeting of the Board by Mr. Estabrook. Second by Mr. Reed.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1

---

**11-6-56**  

Matthew Korte  
Concordia Jr/Sr High School  
15656 Fort St  
Omaha NE 68116

REQUEST: Request for renewal of waiver *(refer to case 9-4-58, May 13, 2009 minutes for full details of this waiver)*

Variance of section 49-634, minimum facilities for occupied nonresidential buildings.

Location: 15656 Fort St  
49-634

5/13/2009 (Case No. 9-4-58 – for reference purposes only):  
Matt Korte with Concordia Jr./Sr. High School appeared before the Board requesting a waiver of various sections of Chapter 49 to allow the use of a portable trailer containing two classrooms without plumbing.

The proposed trailer will be located approximately 20 feet from the entrance doors of the main building, and students will be in these classrooms for a maximum of 45 minutes at a time.

Motion to approve the use of the proposed portable classrooms without plumbing by Mr. Killian, for the term of one (1) year. Concordia Jr./Sr. High School must reappear before the Board yearly to seek reapproval of this waiver. Seconded by Mr. Leddy.

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

Motion carried 6-0
**6/8/2011:**
Matthew Korte with Concordia Jr/Sr High School appeared before the Board. Mr. Korte stated that the school is in the midst of trying to expand; however, in the meantime, they would like to install more portable classrooms. Mr. Miller stated that according to the Board’s records, the Board originally granted a waiver to Concordia Jr/Sr High School for the space of one year only; Mr. Korte was to have returned at that time to request renewal of his original waiver. Mr. Korte apologized to the Board, stating that he had thought that the Board would notify him at renewal time, and that he did not think to check the minutes from that meeting.

Mr. Korte stated that Concordia Jr/Sr High School currently has one portable classroom trailer on site which houses two classrooms. Each classroom can hold up to 25 people. The proposed additional trailer will have six classrooms. None of the classrooms will have restrooms in them. Mr. Korte went on to state that the school had planned to expand two years ago but were unable to due to the economy. The scope of the expansion was approved on June 7th, 2011 by Concordia – at this time, no money has been raised for this expansion, which is estimated to cost between five and eight million dollars.

Mr. Miller stated that if the Board were to grant an additional waiver, he would like to see it restricted to no more than one year. Mr. Miller stated that he does not like the idea of portable classrooms without restrooms, adding that these are not designed to be permanent structures. Mr. Wonder inquired as to whether Concordia has received permission from the Building Board of Review to have portables on site. Mr. Korte stated that he does not believe that Concordia ever appeared before the Building Board of Review.

Mr. Killian stated that he would like to see architectural plans for the expansion. Mr. Wonder stated that he could check the Building Board of Review’s requirements for long-term use of temporary trailers; he recommended that the Board hold this case over to their next meeting.

Motion to hold this case over to the June 22, 2011 meeting of the Omaha Plumbing Board by Mr. Reed. The applicant is requested to supply plans of the planned future addition. Mr. Wonder is requested to check on Building Board of Review requirements for non-permanent structures. Second by Mr. Salem.

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

Motion carried 6-0.

**6/22/2011:**
Matthew Korte of Concordia Jr/Sr High School and Roger Doehling of LYNC Architecture LLC appeared before the Board. Mr. Wonder stated that he had checked into Building Board of Review requirements as requested; he found that due to the fact that the proposed trailers have permanent footings, the applicant was not required to appear before the Building Board of Review; nor are there any restrictions from that board regarding the length of time for which the trailers may remain on site. Mr. Wonder recommended that the Board grant Concordia Jr/Sr High School’s request for one year only. After the term of one year, the school must install restrooms in both trailers or remove them from the site.

Mr. Doehling stated that the Concordia Jr/Sr High School Board has just approved a master plan for the expansion of the school. This master plan calls for the expansion of the school to be completed in the autumn of 2013. He asked that the Board grant Concordia Jr/Sr High School an additional year so that the waiver will not run out before the expansion has been completed. Mr. Doehling distributed plans of the proposed expansion to the Board members for their review. Mr. Wonder stated that the Board does have the option to grant more time; however, it is still the recommendation of the Plumbing Division that the requested waiver be extended/granted for no longer than one year.

Mr. Doehling asked for clarification from Mr. Wonder as to why the Plumbing Division wishes to place a one-year restriction on this waiver request. Mr. Wonder replied that the Board has historically only granted one year on these types of requests. Also, Concordia Jr/Sr High School was granted a one year waiver for the first classroom trailer that they failed to renew in a timely manner. The Board places a one-year restriction on such waivers so that the applicant can show that progress is being made. It has not been the Board’s opinion that temporary classroom trailers without restrooms are an appropriate structure to use long-term.
Mr. Wonder stated that if the Board places the one year restriction on this waiver, as it has done in the past, it gives his division cause to shut the trailers down or to require Concordia Jr/Sr High School to install restrooms in the classrooms if they fail to renew their waiver a second time. Mr. Doehling stated that he understood the reasons behind this proposed one-year restriction; however he assured the Board that this expansion is going to take place. Mr. Killian and Mr. Miller stated that the applicant should be prepared to reappear before the Board in one year’s time with a report that construction is under way. Providing that construction is under way at that time, the Board would likely grant Concordia Jr/Sr High School an additional extension of their waiver. However, if construction were not underway at that point, the Board may then require Concordia Jr/Sr High School to install restrooms in the temporary classroom trailers, as they would then be considered to be permanent structures.

Motion by Mr. Reed to approve a one year extension of the existing waiver for a portable classroom trailer without restrooms (SEE case no. 9-4-58, May 13, 2009) at Concordia Jr/Sr High School; and to grant a waiver for the term of one year for an additional portable classroom trailer without restrooms at the same site. Upon the expiration of these waivers, Concordia Jr/Sr High School must make an application to the Board so that they may report on the progress of their expansion of the school and request an additional extension if necessary. Second by Mr. Killian.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf
Motion carried 6-0.

6/27/2012:
Matthew Korte with Concordia Jr./Sr. High School appeared before the Board. Mr. Korte stated that construction has begun on the expansion to their school; however, they needed to utilize the two portable trailers approved by the Board for one more year. When asked if the trailers would be removed from the grounds following this requested year’s extension, Mr. Korte replied that the school would like to leave them in place. He assured the Board that they would not be used for classroom instruction; rather they would be used for storage.

Motion by Mr. Reed to approve a one year extension of the existing waiver allowing two portable classroom trailers without restrooms at Concordia Jr./Sr. High School. No further extensions will be allowed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Miller, Reed
ABSTAIN: Feyerherm
Motion carried 4-0-1
REQUEST: Request for reinstatement of expired master plumber license.

Andrew Raymond appeared before the Board. The Board Secretary stated that Mr. Raymond did not renew his license for 2012; additionally, he was two hours short on his continuing education for 2011. Mr. Raymond has since completed a total of six hours of continuing education in 2012. He asked that the Board reinstate his master plumber license, and move his six hours of continuing education in 2012 to cover his deficiency in 2011. Mr. Reed commented that all six hours would need to be moved, in order to cover the four penalty hours required by the Code. Mr. Miller reminded Mr. Raymond that this reinstatement would be subject to a quad fee as outlined in the plumbing code. The Board Secretary reminded Mr. Raymond that he would need to complete a total of eight more hours of continuing education before the end of the year in order to meet his continuing education requirements for 2012. Mr. Raymond assented to these statements.

Motion by Mr. Reed to move six hours of continuing education for Andrew A Raymond from 2012 to 2011. No penalty hours will be assessed at this time, as Mr. Raymond has already completed four additional hours of continuing education.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1

Motion by Mr. Estabrook to reinstate Andrew Raymond’s expired master plumber license, subject to a quad fee as required by Omaha Plumbing Code. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1

REQUEST: Renewal of approval of Instructor

Donald McWilliams appeared before the Board. The Board Secretary confirmed that Mr. McWilliams has been an approved Instructor for several years; she stated that he has been approved in the past to teach a four hour class covering Plumbing Code & Theory. She added that Mr. McWilliams did not wish to request approval as a Provider at this time, as he usually teaches classes with Joseph Virgil, City of Omaha Plumbing Inspector. Mr. Virgil is an approved Provider.

Mr. Virgil stated that Mr. McWilliams was typically approved to teach continuing education classes at the same time as the City of Omaha’s Plumbing Inspectors; however, since his retirement, Mr. McWilliams now has to seek approval to teach separately.

Motion to approve Donald McWilliams as an Instructor for Plumbing Code & Theory by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1
Next, the Board reviewed Mr. McWilliams’ request for approval of CEU class. Mr. McWilliams confirmed that he intends only to teach classes covering the Omaha Plumbing Code. He intends to teach these classes with Mr. Virgil. Mr. McWilliams submitted copies of some of his class materials for the Board’s review. He stated that he had a large amount of material to teach from; the submitted documents were a cross-sample of his class materials. Mr. McWilliams added that he had included some pictures of the various fixtures found in a commercial kitchen, as he plans to teach a class specifically devoted to this type of operation at some point during the calendar year.

Mr. Estabrook inquired as to how many hours of continuing education Mr. McWilliams was planning to teach per class. The Board Secretary confirmed that Mr. McWilliams was approved for four hours of continuing education in previous years. Mr. McWilliams requested that the Board approve him for the same number of hours this year.

Motion by Mr. Estabrook to approve requested four-hour continuing education classes as submitted. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Miller, Reed
ABSTAIN: Feyerherm

Motion carried 4-0-1

Craig Hillabrand of Nelson-Hill Contracting, Grant Rogers of Gigi’s Cupcakes, and Mike Zabel of Prairie Mechanical Corporation appeared before the Board. Mr. Zabel stated that they no longer need to request a waiver of section 49-1104, required grease interceptor in a commercial kitchen. The only item which required discussion today was the requested variance of section section 49-630, toilet rooms for two sexes and 49-631, unisex toilet rooms. A revised plumbing plan was submitted to the Board members for review.

Mr. Zabel stated that the proposed business is a cupcake store. Business is walk-in only; and there will be no seating available for customers. The total square footage of this space is just over 1,500 square feet. Mr. Estabrook inquired as to the number of employees in this facility. Mr. Rogers replied that this business will have three employees; a baker, a decorator, and a service person. Mr. Rogers added that this business is part of a larger franchise; they are required to lay out their store in a certain way, including displays in the front of the store.

Mr. Estabrook asked for the City Plumbing Division’s opinion on this matter. Mr. Virgil replied that the disposition of this case was up to the Board; however, he requested that if the Board chose to grant this waiver, that they stipulate that it be for this business and location only.

Motion by Mr. Reed to approve the use of a unisex restroom at this location and for this business only. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Miller, Reed
ABSTAIN: Feyerherm

Motion carried 4-0-1
REQUEST: Waiver of section 49-631(c)(1), and 49-631(f)(1), as regards restrooms in a specialized day care facility

Location: 20275 Honeysuckle Drive, Elkhorn
49-631

Brent Reeder of Sigma Corporation Inc., Roger Peterson of Behaven Kids, and David Littrell of Geller Design Inc. appeared before the Board. Mr. Miller read from the application file that Behaven Kids is a specialized day care facility that serves children with diagnosed mental and behavioral issues. Children at this facility display a wide range of anti-social behaviors, and oftentimes have to be supervised in the restrooms. Behaven Kids would like to operate with one restroom with no door between the restrooms and the rest of the facility.

Mr. Reeder stated that the Plumbing Code allows shared restroom facilities up to five years of age. Behaven Kids serves children from 18 months to 8 years of age. Mr. Virgil inquired as to the total number of children over the age of five that would typically be in the facility. Mr. Peterson stated that there are a total of 55 children in the center; no more than 20% are over the age of five. The standard classroom size is ten children.

Mr. Virgil asked Mr. Peterson whether he can guarantee that the percentage of children over the age of five will remain the same. Mr. Peterson stated that this percentage can fluctuate approximately +/- 5% per year; however, he added that the majority of children that Behaven Kids sees are younger than school age. Mr. Peterson stated that the area schools usually try to work with school age children within their own system; Behaven Kids typically deals with children who have been expelled numerous times from traditional day care facilities or schools. The goal of Behaven Kids is to deal with each child’s issues so that they can eventually be reintegrated into the mainstream school system.

Mr. Reed noted that according to the submitted plan, the restrooms have partitions between each fixture, but no doors. Mr. Peterson stated that they hang curtains on each stall so that staff can monitor their activity in the restroom while still providing privacy. Mr. Peterson stated that the curtains on the stall doors and the lack of a locking outer door on the restrooms prevent their children from barricading the restroom doors and acting inappropriately. Mr. Estabrook commented that Behaven Kids would need to have additional staff to monitor children if they intended to operate in this manner. Mr. Peterson assured the Board that their center maintains a staff-to-child ratio of 4:1. Mr. Reed pointed out that this facility meets fixture count requirements as per the Code. Mr. Peterson explained their procedures, including having one staff person per sex in the room to monitor the children, and having dedicated stalls for girls and boys.

Mr. Estabrook inquired as to whether the Health Department had any objection to this request. Mr. Steinkraus stated that his department had no objection at this time. Mr. Reed commented that the Board should limit the waivers to this location and business only.

Motion by Mr. Reed to approve unisex restrooms as shown on the submitted plan for this owner, this business only, at this location only. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1
Mr. Reed recused himself from voting on this case. Rob Zimmerman with Project Advocates, Zac Frederickson with Holland Basham Architects and Rocky Vanover with Black Oak Tavern appeared before the Board.

Mr. Zimmerman explained that this request was in regards to a new restaurant being planned for the Midtown Crossing Development. The current space includes a mezzanine level that runs across the space. The new restaurant, Black Oak Tavern, has plans to reconfigure the existing space. Renovations include the removal of part of the mezzanine, and other changes that will open up the floor plan, eliminating the current feeling of division between the bar area and the dining room. Restrooms in Black Oak Tavern will be located on the mezzanine level; and the restaurant plans to provide a single family restroom on the main floor for customers unable to use the upstairs facilities. The mezzanine restrooms would be accessible by two opposing stairways; a lift would also be provided to this upper area.

Mr. Estabrook stated numerous times that he did not like the idea of having restrooms on an upstairs level. He proposed several alternate configurations, including the construction of two unisex restrooms on the main floor, and the construction of an additional family restroom on the main level. He stated that having only one restroom on the main level could result in customers using only the family restroom, which would leave it unavailable for use of the handicapped or those with small children. Mr. Reed stated that in his experience, the general populace tends to naturally avoid a restroom labeled “Family Use”. Mr. Vanover assured the Board that staff in his restaurants are trained to physically guide customers to the restroom facilities; they are not allowed to just point in the general direction of the restrooms. Customers would therefore be led directly to the mezzanine-level restrooms, and not the family use restroom on the main floor, unless it was made clear to staff that the customer had need of the closer facility.

After extensive discussion regarding the possibility of locating a second family-use or unisex restroom on the main floor of the restaurant, Mr. Estabrook made a motion to approve the requested waiver of section 49-636, Table 3, Note 10 as regards restroom location, with the agreement that the owner will install two unisex or family restrooms on the main floor without urinals. Use of these restrooms is to be monitored by staff. This waiver is for this business at this location only. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Miller

ABSTAIN: Feyerherm, Reed

Motion carried 3-0-2

VIII. Approval of Apprenticeship Renewals

David Carmody
Carmody & Sons Services
Metro
Travis Shaw
Bradley Bros. Plumbing
Completed

Motion to approve the above-listed apprentice renewals by Mr. Estabrook. Second by Mr. Salem

AYES: Estabrook, Killian, Miller, Reed, Salem

Motion carried 5-0
IX. Discussion

- Mr. Miller welcomed two new members to the Board, Brian Feyerherm and Kristin Nelson (not present).

X. Adjourn

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

AYES: Barrett, Estabrook, Miller, Reed

ABSTAIN: Feyerherm

Motion carried 4-0-1. Meeting adjourned at 10:08am.

* = 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