

I. Apprenticeship Agreement

Kyler J Wolf
15351 Schuyler Dr
Omaha NE 68154

Wonder Plumbing Inc
7811 S 134th St #100
Omaha NE 68138

Kyler J Wolf appeared before the Board with David Wonder of Wonder Plumbing Inc. Mr. Wolf requested a start date of February 20, 2012. Mr. Miller reviewed the file, noting that Mr. Wolf's file did not include a payroll summary to back up his requested start date. Mr. David Wonder stated that he would have the payroll summary sent to the Board Secretary this afternoon.

Motion to approve Kyler J. Wolf as a registered apprentice with a start date of February 20, 2012 pending receipt of payroll summaries consistent with this start date by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 6-0

IV. Public Hearing

12-6-67 From 6/13/2012 and 6/27/2012
James Wonder
City of Omaha
1819 Farnam St
Omaha NE 68183

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

49-232, 222

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.~~

(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. 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 Jazyka 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 overage 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

6/27/2012:

James Wonder appeared before the Board. Mr. Wonder apologized for being unprepared for today's hearing. He explained that he has been overly busy since his return from vacation; he added that he has received alternative language for the code sections currently under review. Mr. Wonder asked that the Board lay this case over to their next meeting in order to allow him time to prepare this alternative language for their review.

Motion to hold this case over to the July 25th meeting by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 6-0

V. *Cases

12-6-78 From 6/27/2012

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

6/27/2012:

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

7/11/2012:

The Board Secretary stated that she had received notice that Jensen Well Company wished to withdraw their application.

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

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

Motion carried 6-0

12-6-79
Tom Andersen
Tom's Well Service
14438 Co Rd P12
Blair NE 68008

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

Location: Zion Lutheran Church, 14205 Ida St
49-1510

Tom Anderson appeared before the Board to request a replacement well. Mr. Anderson explained that the well in question belongs to a church; it has gone dry and they would like to drill a new well. Mr. Miller reviewed the case file, noting that the Metropolitan Utilities District (MUD) is opposed to the waiver request. According to MUD, there are several mains abutting the property that could serve the church. The Health Department also sent notice that they were opposed to this request. Mr. Steinkraus confirmed his department's opposition to the request.

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

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

Motion carried 6-0

12-6-80
Don Anderson
AWS Well Company
1597 Co Rd 10, PO Box 246
Mead, NE 68041

REQUEST: Waiver to allow the installation of a private well for domestic use only.

Location: 6414 N 243rd St, Valley NE
49-1510

Don Anderson appeared before the Board. Mr. Miller reviewed the case file, noting that neither the Metropolitan Utilities District (MUD) nor the Douglas County Health Department is opposed to this request. When asked, Mr. Anderson confirmed that the well will be used for domestic purposes only.

Motion to approve by Mr. Estabrook, with the stipulation that the well be for domestic use only. Second by Mr. Salem.

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

Motion carried 6-0

12-6-81
Don Anderson
AWS Well Company
1597 Co Rd 10, PO Box 246
Mead, NE 68041

REQUEST: Waiver to allow the installation of a private well for domestic use only.

Location: 6559 N 244th St, Valley NE
49-1510

Don Anderson appeared before the Board. Mr. Miller reviewed the case file, noting that neither the Metropolitan Utilities District (MUD) nor the Douglas County Health Department is opposed to this request. When asked, Mr. Anderson confirmed that the well will be used for domestic purposes only.

Motion to approve by Mr. Estabrook, with the stipulation that the well be for domestic use only. Second by Mr. Salem.

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

Motion carried 6-0

12-6-82
Larry J Dendinger
4823 S 134th St
Omaha NE 68137

REQUEST: Waiver of section 49-635, right of use of toilet rooms in businesses by customers as regards a bait shop.

Location: 4823 S 134th St
49-635

Larry J. Dendinger appeared before the Board. Mr. Wonder explained that Mr. Dendinger wishes to operate a bait shop out of his residential garage. Mr. Wonder stated that Mr. Dendinger plans to sell bait only (no tackle or concessions). Mr. Dendinger does have a restroom directly within his home that he is willing to let customers use in cases of emergency. Mr. Wonder stated that the Board has seldom granted such a request; however, Mr. Dendinger's situation is somewhat unique as his home is zoned as a commercial district.

Mr. Barrett inquired as to the size of the garage. Mr. Dendinger replied that his garage is 24'x34'; however, he intends to erect a divider in the garage which will significantly reduce the size of the area available to customers. Mr. Dendinger stated that once this divider is completed, customers will only be able to walk two to three feet into the garage. Mr. Barrett asked Mr. Dendinger how far a customer would have to walk to get to his bathroom if needed. Mr. Dendinger replied that his house is between ten and twelve feet from his garage. The restroom

Mr. Dendinger commented that he was in the process of obtaining permission from the OPPD/MUD Union Hall to allow his customers to use their parking lot if necessary. He also stated that he has the support of the remaining neighbors on the street. Mr. Barrett stated that he has four children; and generally, the bait shop is the last stop before leaving for whatever place a person is fishing at. He asked Mr. Dendinger where the restroom is located within the house. Mr. Dendinger stated that customers would enter his laundry room through the back door of the house and walk directly into the bathroom. Mr. Estabrook asked whether there were any stairs involved in getting to the restroom. Mr. Dendinger stated that there is one step into the house. Mr. Wonder stated that the Plumbing Division had no objection to Mr. Dendinger's request.

Motion by Mr. Reed to approve requested waiver for this business and application only, with the stipulation that Mr. Dendinger's must install restrooms within his business if he should expand the business and/or add employees. Mr. Dendinger must allow customers to use the restroom within his house if requested.

AYES: Feyerherm, Miller, Reed, Salem

NAYS: Barrett, Estabrook,

Motion carried 4-2.

12-6-83
Jeff Chapman
Kinder Morgan Inc
6801 N 9th St
Omaha NE 68112

REQUEST: Waiver of various sections of Chapter 49, as regards temporary office trailers.

Location: 6801 N 9th Street
49-Variou

Mr. Chapman was not present.

Motion to hold this case over to the July 25th meeting by Mr. Reed. Second by Mr. Estabrook.

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

Motion carried 6-0

VI. Discussion

- The Board discussed a recent change to Board policy regarding retest policies.
- Mr. Wonder informed the Board that Kristen Nelson, a recent addition to the Board, has been offered a teaching position with Iowa State, and has therefore had to resign from the Plumbing Board. The Mayor's office will appoint a new board member as soon as is possible.

VII. Executive Session

Mr. Wonder requested that the Board go into executive session to discuss plumbing examinations.

Motion to go into executive session to discuss plumbing examinations by Mr. Reed. Second by Mr. Estabrook.

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

Motion carried 6-0. Board entered executive session at 1:58 p.m.

VIII. Adjourn

Meeting adjourned by mutual consent at 2:15 p.m.

*** = 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>