

**Plumbing Board
Meeting Minutes
July 15, 2014 at 9:30 a.m.
Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155**

Members

John Parizek (Chair)
Mike McGowan
Scott Eggen
Grant Edwards
Jim Kittelson
Larry Justin
John Flagg
Pete Moulton
Ron Thompson
Joe Beckel
Phillip Sterner
Jim Lungstrom

Members Absent

Gale Mount

DLI Staff & Visitors

Wendy Legge (Chief Gen. Counsel, DLI)
Suzanne Todnem (DLI)
Cathy Tran (DLI)
Jim Peterson (DLI)
Lyndy Lutz (DLI)
Gary Thaden (MMCA)
Matt Marciniak (IAPMO)
Ron Rice
Scott Thompson (MN Plumbing Training)
Tim LeDuke (Fourmation Sales)
Jay Baars (Mulcahy Co.)
Gary Ford (Metro Testing)
Brian Noma (MDH)
Tim Power (MNLA)
Dave Schulenberg (MWWA)
Phil Raines (ABC)
Shawn Donovan (Mondale & Assoc.)
Curtis Mondale (Mondale & Assoc.)
Jeff Huberty (Plumbers #34)
Jamie Anderson (Laborers Training Ctr.)
Thomas Woldmoe (Pipeline-Supply.com)
Carl Crimmins (PHCC)
Luke Westman (PHCC)
Brad Jensen (DLI)
Bob Koch
Bob Wolf (City of Minneapolis)
Brian Soderholm (Soderholm/Water Control)

I. Call to Order

The meeting was called to order by Chair Parizek at 9:34 a.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met.

II. **Approval of Meeting agenda**

A motion was made by McGowan, seconded by Sterner, to approve the agenda with the following change: Item D was moved up to Item A. The vote was unanimous; the motion carried.

III. **Approval of Previous Meeting Minutes**

A. Plumbing Board Minutes – June 10, 2014

A motion was made by Sterner, seconded by Flagg, to approve the Minutes as presented. The majority vote ruled with two abstentions; the motion carried.

IV. **Regular Business**

Approval of Expense Reports –Parizek approved the expenses as presented.

V. **Committee Reports**

A) **Department Updates**

Cathy Tran provided an update regarding revisions to the exceptions and stipulations of the Minnesota Plumbing administrative provision, chapter 1300.

B) **Executive Committee**

Parizek provided an update – a Reciprocity committee will be formed and will meet with Assistant Commissioner Looman and DLI’s legal department to discuss. Parizek spoke with a ND building official and ND sees a need for new reciprocity agreements and this will likely have an effect on SD as well.

C) **Construction Codes Advisory Council**

John McConnell provided an update – the Green code was discussed, a Workers’ Compensation Bill and Minimum Wage Bill was passed, and DLI has incorporated a plain language initiative.

VI. **Special Business**

A) **Officer Elections** – Lungstrom asked for nominations.

- I. **Board Chairman** – Edwards nominated Parizek. No other nominations were given. Vote was unanimous, nomination passed. John Parizek was re-elected as Chair.
- II. **Vice Chairman** – Kittleson nominated Edwards. No other nominations were given. Vote was unanimous, nomination passed. Edwards was re-elected as Vice-Chair.
- III. **Secretary** – This is a vacant position that was previously held by Chad Filek, who is no longer a member. Parizek nominated Sterner. No other nominations were given. Vote was unanimous, nomination passed. Phil Sterner was elected as the new Board Secretary.

The meeting was turned back over to Chair Parizek.

B) **Review of Revisor’s 6/19/14 draft of proposed Minnesota Rules chapter 4714 and consideration of modifications to the Revisor’s draft**

Todnem reviewed Revisor’s Draft dated 6/19/14 and titled “For Board Consideration at July 15, 2015 mtg”. Vertical line’s next to line items numbers indicate revisions that the Board

discussed and agreed to at the last meeting. Todnem proposed using the term “registered professional engineer” and the Board had no concerns with using this in Minnesota rules. Language consistency regarding “Registered Professional Engineer” and referencing updated versions of C1214 (2013) and C1244 (2011) Standards were discussed.

A motion was made by Eggen, seconded by Sterner, to reference updated Standards C1214-13 and C1244-11 and move this modification forward to future rulemaking, seconded by Sterner. The vote was unanimous; the motion carried.

A motion was made by Kittleson, seconded by Flagg, that the definition of Registered Professional Engineer” as shown below, be accepted and moved forward to future rulemaking. The vote was unanimous, the motion carried.

*Registered professional engineer – For purposes of this code, “registered professional engineer,” “engineer,” **and or** “registered engineer” means **the same thing, specifically,** a person practicing professional engineering as described in section 326.02, subdivision 3, and who is licensed in the State of Minnesota as a professional engineer by the Board of Architecture, Engineering, Land Surveying, Landscape architecture, Geoscience, and Interior Design under section 326.10.”*

A motion was made by Eggen, seconded by Flagg, to delete the handwritten edit under 4714.00220, page 8; accept the remainder of the handwritten edits; and delete from line 46.6, the words “licensed in Minnesota” as found in the 6/19/14 Revisor’s Draft titled “For Board Consideration at July 15, 2014, Mtg”. The vote was unanimous; the motion carried.

C) Board vote of chapter 4714 proposed rules

Wendy Legge reviewed legal requirements for voting for amendments to the Plumbing Code. The law states that each Plumbing Code amendment considered by the Board receiving an affirmative two-thirds or more majority vote by all the voting members, shall be included in the next Plumbing Code rulemaking proceeding initiated by the Board. There are currently 12 voting members and 11 members were present. Based on 12 voting members, for each plumbing code amendment to move forward there needs to be at least 8 (2/3) voting board members voting for that amendment. Legge noted that language can be found in Minnesota Statute 326B.435, subd 6. Legge explained preliminary and final motion procedures to follow for voting on amendments.

Chair Parizek asked the board if there were any issues with the 2012 UPC or the amendments that were proposed. Justin referred to page 20, line 20.1 and asked if the interpretation means “steam” could not be used and whether the word “steam” should be added and Justin referred to current Minnesota language under 4715.1941, Subp. 3B.

603.5.4.1 Single-Wall Heat Exchanger. Installation of a single-wall heat exchanger shall meet all of the following requirements:

- 1) Connected to a steam system at 15 psi or less or a low pressure hot water boiler limited to a maximum of 30 pounds-force per square inch gauge (psig) (207 kPa) by an approved safety or relief valve.

17.3 to 17.5 and 22.26 to 23.1: shall terminate to a safe place of disposal or within 18 inches of the floor.

A motion was made by Edwards, seconded by Flagg, to accept language as amended above, lines 17.3 to 17.5. The majority vote ruled with 10 for and 1 opposed (Beckel); the motion carried.

20.1 to 20.3: (1) Connected to:

(a) a low-pressure hot water boiler limited to a maximum of 30 pounds-force per square inch gauge (psig) (207 kPa) by an approved safety or relief valve; or

(b) a steam system limited to a maximum of 15 psig (103 kPa).

A motion was made by Justin, seconded by Eggen, to accept language as shown above, lines 20.1 to 20.3. The majority vote ruled with 8 for and 3 opposed; the motion carried.

Legge stated that a “Preliminary Motion” (see below) would be used for voting on specific controversial sections before voting on all the amendments as a package. The final motion would be to adopt everything, with modifications approved by the Board, and giving Chair Parizek authorization to sign necessary documents to move forward to adopt rules.

Preliminary Motions:

I move to include the following plumbing code amendment in the Board’s current plumbing code rulemaking proceeding.

A motion was made by Kittleson, seconded by Justin, to adopt the Resolution as shown below. The majority vote ruled with 9 for and 2 opposed (Beckel and Moulton). The motion carried.

1. The Chair of the Minnesota Plumbing Board is authorized and directed to sign and to give the Notice of the Board’s Intent to Adopt Rules governing the amendment of the Minnesota Plumbing Code as shown in the Revisor of Statutes draft, file number R-04139, dated 06/19/14, identified as Minnesota Rules, parts 4714.0050 to 4714.1702, with any modifications approved by the Board. The Chair must give this notice using a Dual Notice. The Chair must give this notice to all persons who have registered their names with the Board or with the Department of Labor and Industry for the purpose of receiving notice of rule proceedings regarding plumbing. The Chair must also publish the Notice in the State Register. Furthermore, the Chair is authorized and directed to do anything else needed, both before and after the Notice is signed, in order to complete this Notice. This includes authority to sign a Statement of Need and Reasonableness as required by Minnesota Statutes section 14.131.

2. If there are fewer than 25 outstanding hearing requests, the Chair of the Minnesota Plumbing Board is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.

If there are 25 or more outstanding hearing requests, the Chair of the Minnesota Plumbing Board is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing. This includes authority to sign the Order Adopting Rules if there are no modifications to the rules other than modifications approved by the Board.

D) Petition to omit publication of proposed rule in State Register

Todnem noted that the petition was granted to eliminate printing in the State Register. The draft rules will be available on DLI's website and a paper copy is available if requested.

E) Officer Elections (continued from item A)

iv. **Recommendation for Appointment to CCAC**

A motion was made by Justin, seconded by Edwards, to recommend Jim Kittelson for this position. The vote was unanimous, the motion carried and Kittelson was re-appointed to the CCAC position.

CCAC Alternate: Justin volunteered as an Alternate for Jim Kittelson's CCAC appointment. The vote was unanimous, the motion carried and Justin was appointed as the Alternate to the CCAC position.

v. **Committee Appointments**

Chair Parizek asked that the Product & Code Review Committee be dissolved. **A motion was made by Edwards, seconded by Flagg, to dissolve the Product & Code Review Committee. The vote was unanimous, the motion carried.**

F) Approval of 2015 Meeting Calendar

Plumbing Board proposed meeting dates for 2015: January 20, 2015, April 21, 2015, July 21, 2015, and October 20, 2015. **A motion was made by Kittelson, seconded by Edwards, to approve 2015 meeting dates. The vote was unanimous and the motion carried.**

F) Policy Reviews

Legge noted that the Attorney General's Policies for State of Minnesota Boards should be reviewed for general rules (previously emailed to Board members). Each agency should have a responsible authority dealing with data requests. **A motion was made by Justin, seconded by Flagg, to confirm that Jim Lungstrom be reappointed as the responsible party dealing with data requests. The vote was unanimous; the motion carried.**

VII. Complaints

No complaints

VIII. Open Forum

Nothing

IX. Board Discussion

Chair Parizek noted board members with terms expiring on 12/31/14 and added that Gale Mount will not be seeking re-appointment. Edwards said a committee may need to be formed to approach UPC language on a national level and Chair Parizek agreed. Marciniak said the 2015 UPC would be printed the first or second week of February. Legge said that the Board should consider amendments to their By-Laws at the October meeting and whether any new committees should be added (standing committees need to be written in to By-Laws).

X. Announcements

Next Regularly Scheduled Meetings – all meetings with be held in the Minnesota Room. Executive Committee meetings occur at 8:00 a.m., prior to each regular meeting.

- i. October 21, 2014 @ 9:30 a.m.
- ii. January 20, 2015 @ 9:30 a.m.
- iii. April 21, 2015 @ 9:30 a.m.
- iv. July 21, 2015 @ 9:30 a.m.
- v. October 20, 2015 @ 9:30 a.m.

XI. Adjournment

The meeting was adjourned at 11:49 p.m. by consent.

Respectfully submitted,

Phil Sterner

Phil Sterner