Meeting Minutes: Plumbing Board

Date: October 17, 2017 @ 9:30 a.m.
Minutes prepared by: Lyndy Logan
Location: Minnesota Room, Department of Labor and Industry
443 Lafayette Road No., St. Paul, MN 55117-4344

Members
Tom Andresen
Jeff Brown
Michael Dryke
John Flagg
Mike Herman (via teleconference)
Rick Jacobs (Chair)
Larry Justin
John Parizek
Phillip Sterner (Secretary)
Cathy Tran (Commissioner’s Designee)
David Wagner
David Weum

Members Absent
Grant Edwards (Vice Chair)

DLI Staff & Visitors
Suzanne Todnem (Gen. Counsel, DLI)
Jim Peterson (DLI)
Lyndy Logan (DLI)
Charles Olson (DLI)
Brad Jensen (DLI)
John Roehl (DLI)
Scott Thompson (MN Plumbing Training)
Andy Thielen (Crane Engineering)
Matt Torein (J-Berd Mechanical)
Josh Matinson (J-Berd Mechanical)
Ray VinZant (Midway Votech)
Jim Gander (PHCC)
Gary Schick (City of Rochester)
Adam Hanson (ABC)
Dean Berckes (Military Affairs)
Tom McCarthy (Local 34)
Sophie Thaden (MMCA)
Scott Eggen (City of Minneapolis)
Matt Marciniak (IAPMO)
Richard Hauffe (ICC)

I. Call to Order
The meeting was called to order by Chair Jacobs at 9:30 a.m. Roll call was taken by Secretary Sterner and a quorum was declared with 11 of 12 voting members present in person or via teleconference and one non-voting member. Introductions and housekeeping announcements were made.

II. Approval of Meeting agenda
A motion was made by Justin, seconded by Parizek, to approve the agenda with a change to Announcements, item D, to read “October 16, 2018.” The roll call vote was unanimous with 11 votes in favor; the motion carried.

III. Approval of Previous Meeting Minutes
A motion was made by Herman, seconded by Parizek, to approve the July 18, 2017, regular meeting minutes as presented. The roll call vote was 9 votes in favor with 2 abstentions; the motion carried.
IV. Regular Business

Approval of expense reports – Jacobs approved the expenses as presented.

V. Committee Reports

A. Department Updates

Nothing to report

B. Executive Committee

Met this morning at 8:30 a.m.

C. Construction Codes Advisory Council

September CCAC meeting was canceled so nothing to report at this time. The next meeting is in November.

VI. Special Business

A. Inspection Uniformity Committee update

Sterner said the Committee meeting was well attended and involved audience participation. Parizek thought it was a good first meeting and his recommendation would be to take a look at what direction the Committee should go. Uniformity across the state, from one suburb to the next, was discussed at the meeting – with a performance-based code, it is more open to interpretation to the authority having jurisdiction. Jacobs said most of the discussion that took place was specific to the authority having jurisdiction – items that fell within alternative means and methods. Many items discussed pertained to the authority having jurisdiction. Jacobs recommended dissolving the Committee unless the Board gave the Committee clear direction on its goals. He said most of the comments weren’t regarding uniformity across the state for inspectors. Justin agreed with Jacobs and said the Committee’s goal needs to be clear, that the Board already has the Request for Interpretation process, and once the Committee understands completely how inspection uniformity works in Minnesota they could bring this information back to the Board. Peterson said he believed attendees attended the meeting to air their grievances and this isn’t the point of the Committee. Peterson agreed the Committee needed to define their purpose if there was to be another meeting.

Parizek said plumbing inspections are not the role of the Board for enforcement but perhaps the Committee could work with the department. Peterson said the industry is getting the level of code enforcement that they want and the industry should do the lobbying for statewide inspections if that is what they desire. Jacobs asked if the Board had the authority to add more inspections in outstate Minnesota and Peterson said the Department has the authority but there would need to be a program in place to pay for inspections. Tran said any recommendation should come from the Commissioner’s office. Peterson added that it would take legislative action to setup a program to pay for this.
Sterner stated he believes the Committee has a purpose but focus is needed. Jacobs asked how the Board felt about the Committee and what type of direction should be given. Justin asked Todnem what authority the Board has on inspections and Todnem said the Board can make a recommendation to the department but the Board has no authority. Justin asked Tran if the department should put some effort into an outstate inspections program and Tran said any type of recommendation on this topic would need to come from the Commissioner’s office. Justin reiterated Jacobs thoughts that if the Committee is to continue, the Board would need to provide clear direction.

Jacobs asked if the Committee should develop recommendations on uniformity for providing inspections versus uniformity in the code specifically. Would this be the guidance given to the committee? Andresen said he thought the Committee was to look at requiring plumbers to do plumbing inspections; he agreed that clear direction needed to be given to the Committee.

Jacobs asked if the purpose of the Committee would be to draft proposed legislation on statewide uniformity for plumbing inspections. Peterson said if the Committee wants to focus on setting inspections in non-code enforced areas and non-plan reviewed projects then this may eliminate people venting their grievances at a Committee meeting. Peterson added that unless there is support from the industry, he wouldn’t chase this and said the department will remain neutral on this issue. Justin said input should also come from the populous (cities and counties, etc.) not just the industry. Parizek agreed that input should be sought from the industry (contractor associations, building officials, and the League of Minnesota Cities).

Sterner said he suggested that at the next meeting the industry provide their input.

Justin said it sounds as if there are two steps – 1) inspectors should be versed in plumbing in code enforced areas – either a master plumber or whatever licensure is required and 2) non-code enforced areas – how are these areas affected. One could dramatically affect the other.

Jacobs said that if the changes the Committee is going to be discussing require legislative action then he doesn’t believe this is something the Board needs to get into. There is no evidence that there is an industry push for statewide inspections. Peterson said an invitation could be extended to the industry asking for comments/input for a statewide inspection program. If no comments are received by the next meeting, then the Committee could be dissolved. Jacobs said that he will afford the opportunity for the Committee to meet again after comments are received by the industry. Peterson agreed and said if no comments are received then this would sum up what the industry wants. Todnem asked Jacobs if the Board would send out an email to interested parties and Jacobs said yes – the Board would send an invitation for comments on a statewide basis and once comments were received the Board would meet to determine if the Committee should continue or be dissolved.
Jim Gander said he doesn’t think there is an outcry from the industry in outstate Minnesota. From an industry standpoint, the biggest issue is how inspectors interpret the code. He said there are differing interpretations of the code by inspectors and contractors want the code enforced uniformly throughout each jurisdiction. More uniformity among the code-enforced areas is needed, not more inspections.

Scott Thompson stated he believes the Committee was set up to discuss code enforcement throughout the state in non-code enforced areas and this is a hot item. Competency of inspections is a separate issue. He believes the Committee was designed to move these issues forward with legislation and if this doesn’t happen then there won’t be inspections throughout greater Minnesota.

Jacobs summarized that from the audience, one person said he thought the Committee was to discuss uniformity in code areas and the second person said their interpretation of the Committee was to address the competency of the inspectors. This is his point – a clear direction of what the Committee is hoping to accomplish is necessary. He urged the Plumbing Board to provide the Committee with a clear direction/goal or dissolve it.

A motion was made by Parizek, seconded by Justin, to table the discussion with the Committee until the January meeting and a representative of the Board contact the industry for their input and then revisit the purpose of the committee for direction or to dissolve the Committee. The motion was amended as shown below.

A motion made by Parizek, seconded by Justin, to table the discussion of the Inspection Uniformity Committee until the January meeting. The roll call vote was 10 votes in favor with 1 opposed; the motion carried.

VII. Complaints
Nothing to report

VIII. Open Forum
Scott Thompson – Licensed plumbers must get Continuing Education (“CE”) credits to renew their license, including 4 hours of mandatory technical credits. The 4 hours of mandatory technical is a hardship on plumbers and should not be mandatory – some plumbers satisfy their 16 hours of CE but are missing 2 hours of technical, which means they have not satisfied the CE requirements for license renewal. The code should say 16 hours of CE with a technical option.

Parizek said this could be addressed when 4716 is opened up for rulemaking. Jacobs asked Todnem if a Request for Comments would be sent out and would this be an opportunity for Thompson to make these comments and Todnem said yes. Todnem said that in the next two to four weeks a Request for Comments should be published regarding this rulemaking.
Todnem said the request for comments is the first step to open up rulemaking and at two different times the Board will accept comments on the rule chapter. She recommended comments be submitted in writing and said that proposed amendments would be discussed at a regularly scheduled Board meeting.

IX. Correspondence
None

X. Board Discussion
Parizek said would set a meeting with the Ad-Hoc Code Review & Rulemaking Committee to review possible revisions to the 2018 UPC.

Todnem briefly described the rulemaking timeline/process.

Todnem asked for clarification from the Board regarding gathering of industry input and Parizek suggested the Board send out an email to the Interested Parties list and all key players such as PHCC, mechanical contractors, the AVC, AMBO, League of Minnesota Cities, the Association of Minnesota Counties, Township Associations, and the Department to collaborate the direction, if any, of the Inspection Uniformity Committee. This industry group could inform the Board on whether the industry wants any changes made to inspections in non-code enforced areas and inspector certification.

XI. Announcements
Next regularly scheduled meetings in 2018 – all meetings will be held at 9:30 a.m. in the Minnesota Room. The Executive Committee meetings occur at 8:30 a.m. prior to each regular meeting in the Minnesota Room.
A. January 16, 2018
B. April 17, 2018
C. July 17, 2018
D. October 16, 2018

XII. Adjournment
A motion was made by Parizek, seconded by Sterner, to adjourn the meeting at 10:33 a.m. The vote was unanimous with 11 votes in favor of the motion; the motion passed.

Respectfully submitted,

Phil Sterner
Phil Sterner, Board Secretary