I. Roll Call

Members Present:
Jeff O. Estabrook, Vice-Chairman
George E. Killian
David W. Miller, Chairman
Christopher P. Reed
Terry Salem
Daniel J. Wellendorf

Members Absent:
Brian A Barrett

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

Mr. Miller called the meeting to order at 1:34 pm.

II. Approval of Minutes from April 25th, 2012

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

AYES: Estabrook, Killian, Miller, Reed, Salem

ABSTAIN: Wellendorf

Motion carried 5-0-1.

III. *Apprenticeship Agreement

Andrew M Desoe  From 3/14/2012 & 4/11/2012  The Frazier Company
780 N 4th St  14830 B Circle
Omaha NE 68059  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

IV. Cases

12-4-56  From 4/25/2012
Bill Condon
Jensen Well Company
767 Iowa St
Blair NE 68008

REQUEST:  Waiver to allow the installation of a private well
Location: 20140 Sheffield Cr
49-1510

4/25/2012:
Bill Condon of Jensen Well Company appeared before the Board. He requested that the Board lay this case over to their next meeting. His client needs additional time to obtain a septic permit from the Douglas County Health Department.

Motion to hold this case over to the May 9th meeting of the Omaha Plumbing Board by Mr. Reed. Second by Mr. Estabrook.

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

Motion carried 6-0.
5/9/2012:
Bill Condon reappeared before the Board. Mr. Miller reviewed the application file, noting that neither the Metropolitan Utilities District (MUD) nor the Douglas County Health Department (DCHD) had any objection to the requested waiver. Mr. Steinkraus confirmed the DCHD’s support of this request.

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

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

Motion carried 6-0.

12-5-59
Bill Condon
Jensen Well Company
767 Iowa St
Blair NE 68008

REQUEST: Waiver to allow the installation of a private well
Location: 11329 Pawnee Rd
49-1510

Bill Condon appeared before the Board. Mr. Miller reviewed the application file, noting that neither the Metropolitan Utilities District (MUD) nor the Douglas County Health Department (DCHD) had any objection to the requested waiver. Mr. Steinkraus confirmed the DCHD’s support of this request for a replacement domestic well.

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

Motion carried 6-0.

12-5-60
Albert Macchietto
Alley Poyner Macchietto Architecture
1516 Cuming St
Omaha NE 68102

REQUEST: Variance of sections 49-638 and 639; restroom partitions
Location: Open Door Mission, 2705 N 20th St
49-638, 639

Perry Poyner of Alley Poyner Macchietto Architecture and Richard Denherder of the Open Door Mission appeared before the Board. Mr. Poyner explained that the Open Door Mission has recently completed a new men’s center; their request today is to omit stall doors in the restroom used by these patrons. He explained that the restrooms currently offer 4’ concrete masonry walls between each water closet. Mr. Poyner explained that these restrooms are used solely by those living at the center; other restrooms in the facility are compliant with code requirements.

When asked why the Open Door Mission wishes to omit stall doors in this restroom, Mr. Denherder stated that their request stems from security concerns for those living in the center. He added that in Open Door Mission’s previous men’s center, they were unable to keep doors on resident restrooms; people simply vandalized or destroyed them.

The Board discussed various alternatives to omitting stall doors at this facility, including the use of a curtain. Mr. Virgil inquired as to whether Mr. Killian felt that an umbrella would be an acceptable alternative to a stall door. Mr. Killian stated that in addition to his belief that opening umbrellas inside a building is bad luck, he did not feel that an umbrella in each stall would be necessary. Mr. Killian asked the Board Secretary to notate this opinion in the meeting minutes.

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

AYES: Estabrook, Killian, Miller, Salem, Wellendorf

ABSTAIN: Reed

Motion carried 5-0-1.
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.

V. *Hearing for possible revocation or suspension of license(s)*


Jeffrey D Banghart

Controlled Rain

17610 N Reflection Circle

Bennington NE 68007

REQUEST: Hearing for possible revocation or suspension of license(s).

12/15/2011:
Jeffrey D Banghart appeared before the Board. Mr. Miller explained that Mr. Banghart was called to tonight’s hearing for failure to complete continuing education hours. He asked Mr. Banghart if there was anything he wished to say regarding this situation.

Mr. Banghart stated that he went he went to several classes last year, but forgot to sign the attendance sheet for one of these classes due to his late arrival. When the shortage was discovered, Mr. Banghart called the instructor for the class, who allowed him to sign the sheet for the class. This modified sheet was sent to the Board Secretary.

Mr. Miller read from the case file that the Board Secretary received an attendance sheet for the class in question on December 10, 2010. On December 12, 2010, a second attendance sheet was received which cleared up illegible names on the original sheet. On November 29, 2011, a third attendance sheet was received for this class which contained three additional names which had not been present on either of the two previous sheets. On November 30, 2011, the Board reviewed these three attendance sheets and determined that only those people who had signed their names to the first and second attendance sheet would receive credit for their attendance at the class in question. Therefore, Mr. Miller stated that Mr. Banghart did not and will not receive credit for his attendance at this class.

Mr. Wonder stated that he was aware of several classes for lawn sprinkler contractors that would occur in the near future. Mr. Banghart asked Mr. Miller whether he would have to complete penalty hours in addition to making up his 2010 hours. Mr. Miller stated that in his opinion, Mr. Banghart should be required to complete additional penalty hours. Mr. Banghart protested, stating that he should not be required to complete penalty hours. Mr. Wonder commented that the Plumbing Code stated that if additional time is granted to complete continuing education hours, the penalty hours shall be completed. The Board cannot waive the penalty hours.

Mr. Miller asked Mr. Banghart whether he would be able to make up his missing hours by March 21, 2012. Mr. Banghart restated his opinion that he should be granted some amount of credit for his attendance at the disputed class; and should not be required to complete penalty hours. Mr. Salem stated that it is Mr. Banghart’s responsibility to sign the attendance sheet for all of the continuing education classes that he attends. Mr. Wonder stated again that the Board cannot waive the required penalty hours.

Mr. Miller asked Mr. Banghart again whether he would be willing to make up his missing continuing education hours. Mr. Banghart indicated his displeasure at the prospect, but acquiesced.
Motion by Mr. Estabrook to allow Jeffrey D. Banghart until March 21, 2012 to make up a total of six continuing education hours. This total includes two penalty hours as allowable by Code. Mr. Banghart must reappear before the Board at their March 21, 2012 meeting. Second by Mr. Salem.

AYES: Barrett, Estabrook, Miller, Salem, Wellendorf

Motion passed 5-0.

3/28/2012:
Mr. Banghart was not present.

Mr. Banghart emailed the Board Secretary to let her know that he would not be able to attend today’s meeting due to his work load. He requested another 90 day extension. Currently, he has completed four out of his six missing hours. The Board Secretary included a copy of this email in Mr. Banghart’s file.

Mr. Wonder stated that the Board had two options for dealing with this case: 1) they could accept Mr. Banghart’s email as a request to postpone today’s hearing, and reschedule Mr. Banghart to appear at a later date; and/or 2) they could deny Mr. Banghart’s request for postponement, and take action.

Mr. Wonder suggested that the Board deny Mr. Banghart’s request for an additional 90 day extension, and that they direct the Board Secretary to send Mr. Banghart a letter via certified mail. This letter would notify Mr. Banghart that his request for additional time had been denied, that his presence was required at the next Board meeting, and that no further postponements would be granted.

The Board Secretary stated that typically, the Board has to give more than two weeks’ notice when notifying a person to appear before them by certified mail. Mr. Wonder agreed, stating that the minimum requirement in such instances is fifteen days; however, the Board typically tries to give closer to thirty days’ notice when ordering a person to appear before them for a revocation hearing. This allows the Post Office time to attempt to deliver the letter, and to notify the Board Secretary if the letter goes unclaimed. This would mean that Mr. Banghart would need to appear at the April 25, 2012 meeting.

Motion by Mr. Wellendorf to hold this case over to the April 25, 2012 meeting of the Omaha Plumbing Board. The Board Secretary is directed to notify Mr. Banghart via certified mail that his request for additional time has been denied, that his presence is required at the April 25, 2012 meeting, and that no further extensions will be given. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Miller, Reed, Wellendorf

NAYS: Killian, Salem

Motion carried 5-2

4/25/2012:
Mr. Banghart appeared before the Board. The Board Secretary stated that Mr. Banghart has made up a total of four of his assigned six hours of continuing education. He would like the Board to grant him one additional day’s extension. This would allow Mr. Banghart to attend the REAMS continuing education class being offered tomorrow morning (see case no. 12-4-53, above). Attendance at this class would complete Mr. Banghart’s required make-up of 2010 continuing education hours. When asked, Mr. Banghart confirmed the Board Secretary’s synopsis of the case.

Mr. Killian asked how best to go about this; postulating that the Board could stipulate today that Mr. Banghart’s license would be automatically revoked if he failed to attend the REAMS class. Mr. Reed and Mr. Wonder both stated that this might be a bit extreme. The Board Secretary stated that in similar cases, the Board voted to hold the case over to the next meeting. If the applicant had made up their hours by that time, they were not required to appear and the case was placed on file. If the applicant failed to make up their hours, the Board could revoke the license at that time.
Motion by Mr. Reed to hold this case over to the May 9th, 2012 meeting of the Omaha Plumbing Board. Mr. Banghart is not required to appear at this meeting so long as he has made up a total his continuing education hours and submitted proof of the same to the Board Secretary before that date. Second by Mr. Salem.

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

Motion carried 6-0.

5/9/2012:
The Board Secretary stated that Mr. Banghart has completed his remaining two hours of continuing education as required, thereby releasing him from appearing at today’s meeting (see minutes from 4/25/2012, above). Mr. Miller reviewed Mr. Banghart’s file, confirming that all now appeared to be in order with Mr. Banghart’s continuing education hours.

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

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

Motion carried 6-0.

VI. *Journeyman Plumber Examinations*

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### VII. *Master Plumber Examinations*

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Jeri W Spotts  
2673 N 125th Av  
Omaha NE 68164-3530

Ray Martin Company  
6201 Center St  
Omaha NE 68106-2998

John P Vincentini  
6411 McKinley St  
Omaha NE 68152

Vincentini Plumbing  
2308 S 16 St  
Omaha NE 68108

Scott J Walter  
7212 Monroe Circle  
Ralston NE 68127

John P Wilwerding  
7403 S 47 St  
Bellevue NE 68157

Brent J Wonder  
5116 N 87 Av  
Omaha NE 68134

The Faucet Shop Inc  
6016 Maple St  
Omaha NE 68104

VIII. Sewer Layer Examinations

Brent Aden  
8616 S 163rd Av  
Omaha NE 68136

Charles Vrana & Son Construction Co  
4816 F St  
Omaha NE 68117-1481

Troy Alexander  
15712 Parker St  
Omaha NE 68118

Hawkins Construction Company  
2516 Deer Park Bd  
Omaha NE 68105

Marc A Chamberlain  
10205 Ohern St  
Omaha NE 68127

Vrana Construction  
4816 F St  
Omaha NE 68117

Greg Clark  
2817 358th St  
Weeping Water NE 68463

Hawkins Construction Company  
2516 Deer Park Bd  
Omaha NE 68105

Dave S Cornell  
Anderson Excavating  
1920 Dorcas Street  
Omaha NE 68108

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1920 Dorcas Street  
Omaha NE 68108
Bill Froemel  
3414 Forest Lawn Av  
Omaha NE 68112

TSI Mechanical LLC  
12251 Cary Cir Ste 150  
LaVista NE 68128

Michael G Grell  
3618 S 66th St  
Omaha NE 68106

Scott Hightower  
17184 Manderson St  
Omaha NE 68116

Hawkins Construction Company  
2516 Deer Park Bd  
Omaha NE 68105

Kyle J Johnson  
109 Cherokee Dr Apt 12  
Gretna NE 68028

Charles M Kahl  
50979 230th St  
Glenwood IA 51534

Tab Construction  
4153 S 67th St  
Omaha NE 68117

Ralph Z Nielsen  
9212 California Plaza  
Omaha NE 68114

William A O’Dell  
26969 Pawnee Rd  
Valley NE 68064

Charles Vrana & Son Construction Co  
4816 F St  
Omaha NE 68117-1481

Steve Polinski  
14745 Madison Circle  
Omaha NE 68137

Hawkins Construction Company  
2516 Deer Park Bd  
Omaha NE 68105

Scott L Reimers Jr  
3456 S 126 Av  
Omaha NE 68144

Dave Janke Plumbing  
15013 Grover St  
Omaha NE 68144

Jacob Robinson  
207 S Carthage St  
Exira IA 50076

Hawkins Construction Company  
2516 Deer Park Bd  
Omaha NE 68105

Jarrod Ryan  
14940 Pawnee Rd  
Bennington NE 68007

Charles Vrana & Son Construction Co  
4816 F St  
Omaha NE 68117-1481
IX. Approval of Apprenticeship Renewals

Nicholas M Botkin       Vincentini Plumbing     Metro
Cody Millsap           Vincentini Plumbing     ABC
Matthew J Sexton       Plumbing Specialties Inc Metro
Kyle Strong            Mainelli Mechanical     Local 16

Motion to approve the above-listed applicants for renewal of apprentice plumber license by Mr. Estabrook. Second by Mr. Reed.

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

Motion carried 6-0.

X. Discussion

- Mr. Wellendorf and Mr. Killian’s terms of service are up; therefore, they will be replaced by new board members in the coming months. Mr. Wonder and Mr. Miller thanked both men for their service, and expressed their regret at the prospect of their leaving the Board. Mr. Killian was presented with a new umbrella in recognition of his dedication towards keeping the citizenry of Omaha dry. Mr. Killian and Mr. Wellendorf expressed their gratitude to the other Board members.
XI. Executive Session

Mr. Wonder requested that the Board go into executive session in order to grade plumbing examinations.

Motion to go into executive session by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 6-0. Board entered executive session at 1:50 pm.

XII. Adjourn

Meeting adjourned by mutual consent at 2:20 pm.

* = 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