

**February 24, 2009 Minutes**  
**Washington County Board of Supervisors**  
**Supervisor's Room Courthouse**  
**Blair, Nebraska 68008**

The Washington County Board of Supervisors of Washington County, Nebraska, met in regular session at 9:30 a.m. on Tuesday, February 24, 2009 in the Supervisor's Meeting Room at the Courthouse in Blair, Nebraska. Notice of the meeting was given in advance thereof by publication in the Pilot-Tribune. A copy of the proof of publication is on file in the Office of the County Clerk. Notice of the meeting was given to the members and a copy of their acknowledgment of the receipt of notice and the agenda are on record at the office of the County Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the members. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Duane Wilcox declared the meeting was in session and that the meeting is being recorded. Chairman made note that the Open Meetings Law is posted on the door and the north wall. Present: Chairman, Duane Wilcox, County Board Members, Linda Thomsen, Kent Clausen, Jeff Quist and Ernest Abariotes. Ron Hineline and Mary Alice Johnson were absent. Also present, County Clerk Merry Truhlsen.

Mary Alice Johnson was present. It was moved by Abariotes and seconded by Quist that the rules be suspended and that the minutes of the Feb 10, 2009 meeting be approved but not read at this meeting for the reason that all Board Members were furnished a copy of said minutes prior to the meeting. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson and Abariotes. Nay: None. Hineline absent. Motion carried.

The following correspondence had been received: Results of Nuclear Regulatory Commission inspection at the Ft Calhoun Station on Dec 31, 2008, Letter from Tom Cristo regarding damage done as Sheriff responded to a call at the home of Betty Cristo in Nov 2007, Nebr Assoc of County Officials will host a counties' Legislative Day in Lincoln on Thurs, April 16, Nebr Crime Commission Grant Announcement for victim/witness programs, e-mail from Sen Deb Fischer thanking Board for letter RE: LB 577, letter from DOR Dec Lodging Tax is \$1,188.07, e-mail from Jim Steffen on organizing area gardeners to supply restaurants and grocery stores in Omaha, letter from Co Atty Office regarding the budget and letter from Three Rivers Dist Health Dept regarding Dodge County's Immunization Clinic Open House. Motion by Quist and second by Clausen to receive correspondence and place on file. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson and Abariotes. Nay: None. Hineline absent. Motion carried.

Ron Hineline was present. Cheryl Parsons, Road Supt, brought the following items before the Board: Several people were present for the discussion of the Township minimum maintenance road – CR19. Parsons read the letter she had received from Noel Petersen, T Richard Petersen and Scott Niewohner asking that the road either be closed or maintained at all times. Noel Petersen spoke of people driving on the road making ruts and washing onto his property. Niewohner stated he has pulled people out when they get stuck and that kids drive it. Greg Petersen, Township 5 Board Member, stated the Township Board did not want the road closed and discussed the amount of right of way that would be required to upgrade the road and discussed fencing the property lines to prevent trespassing. Parsons stated the maintainer is only required to grade twice a year. Marj Hoier stated they would like to see the road stay open. Greg Petersen asked how much it would cost to bring the road up to standards. Parsons said approximately \$7500. Clausen said a minimum maintenance road is under the jurisdiction of the Township Board, not the County Board. Greg Petersen said the Township Board will work with the landowners to reach an agreement. It was moved by Quist and seconded by Abariotes to table action on a Resolution to do a road study on this minimum maintenance road. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Parsons next had a Resolution regarding an Interlocal Agreement with Burt County for cost sharing on Bridge C89-00205. Board had received copies of the Resolution and agreement prior to the meeting. Parsons read the

Resolution. Motion by Quist and second by Thomsen to adopt Resolution 2009-13 and attached Interlocal Agreement with Burt County. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

## **RESOLUTION NO. 2009 -13**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, NEBRASKA, that the chairman be and is hereby authorized to execute an Interlocal Agreement, copy of which is attached hereto and incorporated herein by reference, between Burt County, Nebraska, and Washington County, Nebraska, for the replacement of One (1) bridge on their common County Line, to be known as Burt County Project No. C11 (401) & Washington County Project No. C89 (486) Bridge No. C8900205 located on County Line Road "A" between Burt County Road 13 & 15 & between County Line Road & County Road No. 3 in Washington County.

This agreement grants Washington County the authority to act in behalf of both counties to accomplish the design and construction of the referenced project.

Dated this 24 Day of February, 2009.

Duane Wilcox, Chairman  
Washington County Board of Supervisors

ATTEST:  
Merry M. Truhlsen, Washington County Clerk

## **INTERLOCAL COOPERATION AGREEMENT**

This agreement is made and entered into by and between the County of Washington, Nebraska (hereinafter referred to as Washington County), and the County of Burt, Nebraska (hereinafter referred to as Burt County).

WITNESSETH THAT:

WHEREAS, pursuant to the Interlocal Cooperation Act, #23-2201, et seq., Washington County and Burt County are authorized to enter into agreements with other political subdivisions when it will allow the most efficient use of powers, services and facilities; and

WHEREAS, Washington County and Douglas County contemplate jointly under taking the replacement of a bridge on their common Countyline, located and described as follows:

Burt County Bridge Project No. C11 (401)  
Located on County Line Road "A" between  
Burt County Roads 13 & 15

Washington County Bridge Project No. C89 (486)  
Located on County Line Road "A" between

Countyline Road & County Road 3

Bridge No. C89-00205

WHEREAS, it would mutually be advantageous to both parties to accomplish said replacement with an agreement drawn pursuant to the Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the covenants herein set forth, Washington County and Burt County do hereby agree and contract with each other as follows:

1. ADMINSTRATING AGENCY. There will be no separate legal or administrative entity created to administer this agreement, and therefore no separate budget established for such an entity.

2. CONTRACTS AND ADMINISTRATION. Washington County is granted authority to act on behalf of Washington County and Burt County in order to secure "SOFT MATCH FUNDING" for all phases of the project. Washington County is granted authority to act on behalf of Burt County and Washington County to select and contract with an engineering consultant for this project. Washington County shall coordinate and provide for general supervision of the work and administration of the project.

Washington County shall obtain approval of all contracts by Burt County prior to entering into any contracts or agreements with third parties for the project. All Design, Plans, Estimates and Layouts shall be submitted to Burt County for prior approval.

Washington County shall schedule and arrange all field inspections and design conferences with the consultants, and will advise Burt County and any other reviewing agencies as necessary in order that they may be represented at such Inspections and Conferences.

3. DISTRIBUTION OF COSTS. All payments which may become due pursuant to contracts entered into by Washington County and Burt County will be shared by both agencies according to the terms of this agreement.

All costs for engineering consulting services, work associated with right-of-way acquisition, (if necessary) and all construction and construction related cost, shall be shared equally by the parties. If property needs to be acquired for the project, the cost of the property shall be borne by the county in which the property lies, or if in both than shared proportionately by each county.

4. PAYMENT OF COSTS. Payments due under all contracts shall be paid equally by Washington County and Burt County. Invoices from all costs associated with said construction will be forwarded to Burt County for one-half of payment. The payments will be made directly to agent or company associated with said bridge construction within 30 (thirty) days of receiving the invoice.

Washington County shall maintain a budgetary record of the project, reflecting all costs incurred, all revenues received, and all payments made. At completion of the project, Washington County and Burt County shall review said record to assure that all costs incurred have been properly shared pursuant to paragraph 3 listed above.

5. APPOINTMENT OF ADMINISTRATORS. Cheryl Parsons, County Highway Superintendent, shall administer this contract on behalf of Washington County.

Peggy Smith, County Highway Superintendent, shall administer this contract on behalf of Burt County.

EXECUTED BY WASHINGTON COUNTY OF THIS 24 DAY OF February, 2009.

WASHINGTON COUNTY, NEBRASKA

ATTEST:

Merry M. Truhlsen, County Clerk  
Washington County  
Supervisors

Duane Wilcox, Chairman  
Washington County Board of

EXECUTED BY BURT COUNTY OF THIS 26 DAY OF February, 2009.

BURT COUNTY, NEBRASKA

ATTEST:

Ila Davis, County Clerk  
Burt County

Clifford Morrow, Chairman  
Burt County Board of Supervisors

Chairman said Gateway Development had asked the County send letters of support for funding for the Blair By-Pass. Clerk read the proposed letter. Motion by Abariotes and second by Hineline to send letters of support for the Blair by-pass funding. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Board discussed sending a letter to Senator Avery opposing LB512 in regard to changing airport zoning provisions relating to the regulations of airport hazards. Motion Thomsen and second by Quist to send a letter of opposition on LB512. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Chairman next discussed LB361, regarding a change in roll call provisions under the Open Meeting Act. Motion by Abariotes and second by Quist to send a letter of support on LB361 to Senator Avery. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Abariotes reported the Bldg & Grounds Committee recommended accepting the low bid of Superior Lighting Inc in the amount of \$27,720 for the Courthouse lighting. OPPD's incentive program was just announced and Rick Swarbick, Superior Lighting is still checking what that entails. Motion by Quist and second by Hineline to table action on the bid at this time. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Marj Hoier was present to discuss the correspondence that had been received from the State Dept of Motor Vehicles regarding a larger room for the Drivers License Examiners when they start taking the Drivers License photos in July. Board recessed to go look at the available room. Board came back into session. Hoier offered to call Ken Mach from the State DMV and have him come to the Courthouse for further discussion. Hoier next discussed a letter she had received from the State DMV regarding LB49, providing one-stop motor vehicle services, which was signed into law on Feb 12, 2009. Clerk read the letter. The law allows the DMV to establish a schedule for transferring the responsibility for title issuance from the Clerk's office to the Treasurer's office. Washington County is scheduled to make this transition in September. Board recessed to go look at Clerk and Treasurer's Office and the changes that will take place. Treasurer and Clerk will work to make this transition go smoothly.

Hineline had requested discussion on the County's Personnel Manual. Hineline thought the manual needed to be revised. Chairman appointed Hineline, Johnson and Thomson to a committee and suggested they meet with the officials, appointed office holders and County Attorney's office to review the manual. Thompson suggested Hineline first list his areas of concern and talk to the County Attorney's Office.

At 11:34 the Board convened as Board of Equalization, see separate minutes. Board adjourned at 12:00 and reconvened in regular session. Board recessed for lunch.

Abariotes was absent for the afternoon session. Mitch McGowan had submitted information to the Board explaining a situation on an abandoned trailer in their Mobile Park. Clerk read the letter. McGowan stated the owner has not responded to notices sent and taxes have not been paid since 2002. Back taxes plus interest amount to \$3,479.62. The Assessor's Office visited the site last spring and put a salvage value on the trailer. McGowan would like the trailer moved and sold, but according to county regulations, before a trailer is moved, taxes must be paid. Sheriff Robinson discussed the cost of a Sheriff's sale stating the minimum bid needs to be enough to pay the back taxes, and if that doesn't happen, then the Sheriff's Office has the expense of moving and storing the trailer. Motion by Quist second by Clausen to table this until the March 10<sup>th</sup> meeting and consult with the County Attorney's Office as to how to proceed. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Doug Cook, Planning Admin: **PUBLIC HEARINGS 1. Lot Split application for Steven E. and Jaccie L. Mencke** to create a 3.01-acre tract, from part of Tax Lots 25 and 26, Section 5-Township 19 North-Range 11 East of the Sixth P.M. (address:15512 County Road 8). This request is to split the house and accessory building from the surrounding farm ground. Steven Mencke was present. Motion by Quist and second by Clausen to concur with Planning Commission to approve as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried. **2. Rezoning application for Steven E. and Jaccie L. Mencke** To consider a request of Steven E. and Jaccie L. Mencke to rezone, from A-1 Agriculture Primary to A-LSR Agricultural – Lot Split Residential, a proposed 3.01-acre tract from part of Tax Lots 25 and 26, Section 5-Township 19 North-Range 11 East of the Sixth P.M. Motion by Quist and second by Clausen to concur with Planning Commission to approve as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried. OLD BUSINESS 1. February 2009 Conditional Use Permit review: FILE # 07-10, APPLICANT Jerry Schueler, PURPOSE 2 homes temporarily STAFF RECOMMENDATION approve, review in July 2009. The Planning Administrator reported that he had recently talked with the applicant and also visited the site. He noted that a review in July 2009 should allow time for the applicants to move into their new house and also “de-residential” the garage they are living in presently. Motion by Quist and second by Clausen to concur with the Planning Commission to approve as presented with a review in July 2009. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

There were no comments from the public. Johnson talked about Airport Zoning and suggested the County meet with Blair City for clarification on different points. Chairman appointed a committee of Doug Cook, Johnson and Clausen to contact the City.

Claims were received and reviewed, with discussion on a mileage claim for the Weed Dept. Motion by Abariotes second by Johnson to obtain the gas receipts for this claim and just pay them. Vote- Aye: Thomsen, Johnson and Abariotes. Nay: Wilcox, Quist and Clausen. Abstain: Hinline. Motion failed. Motion by Quist and seconded by Clausen that the following claims be allowed as presented, including the Weed Dept claim, and Clerk ordered to issue warrants on the various funds for the same. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson and Hinline. Nay: Abariotes. Motion carried.

#### GENERAL FUND

EMPLOYEES	Payroll	135,866.00
AMERITAS LIFE INS CORP	Retirement	9,438.56
UNITED HEALTHCARE INS CORP	Ins	35,474.45
WASHINGTON COUNTY BANK	FICA	9,674.24
WASHINGTON COUNTY BANK	Ins	5,998.50
A & D TECHNICAL SUPPLY CO INC	Equip	22,886.17
ADVANCED CORRECTIONAL HEALTHCARE	Med Serv	2,055.27

ALLTEL	Serv	202.57
AUTO TRIM DESIGN	Equip	282.00
MATT R BEAL	Reimb Software	108.10
BLACK HILLS ENERGY	Serv	1,151.02
BLAIR BOOK & SUPPLY CO	Supplies	107.38
LORI BLUME	Crt Reporter	26.00
BOB BARKER CO	Supplies	179.68
CLERK OF DISTRICT COURT	Filing Fees	149.00
CONSTELLATION ENERGY	Serv	1,662.63
DOUG COOK	Reimb Mileage	153.90
DELL MARKETING LP	Supplies	483.96
DEPARTMENT OF MOTOR VEHICLES	Serv	3.00
DODGE COUNTY SHERIFF	Serv	16.16
DOUGLAS COUNTY SHERIFF	Serv	27.54
MARY MICHELE ELLIS	Crt Appt Attny	432.00
ENTERPRISE PUBLISHING CO INC	Legals	1,098.03
FASTENAL COMPANY	Supplies	5.33
FORNOFF & SCHUTT PC	Crt Appt Attny	1,404.00
GALLS INCORPORATED	Supplies	27.97
IDEAL PURE WATER	Serv	8.76
JOHNSON & MOCK, ATTORNEYS AT LAW	Crt Appt Attny	1,938.90
KUENY LAW OFFICE	Crt Appt Attny	192.00
MATTHEW BENDER & CO INC	Supplies	184.20
LONG'S OK TIRE STORES	Tires & Serv	1,402.47
MCGOUGH LAW P.C., L.L.O.	Crt Appt Attny	780.00
STEVEN MENCKE	Reimb Mileage	111.15
MOBILE BINDERS	Serv	1,200.00
NORTHEAST NEBR ASSOC OF CO OFFICIAL	Workshop Reg	220.00
NE TAX EQUALIZATION & REVIEW	Filing Fees	140.10
NEBRASKA LAW ENFORCEMENT TRNG CNTR	Tuition	210.00
NEBRASKA PUBLIC HEALTH ENVIRO LAB	Serv	168.00
NEBRASKA STATE BAR ASSOCIATION	Supplies	35.00
NEFSMA	Dues	35.00
NEXTEL	Serv	635.28
NO FRILLS SUPERMARKET INC	Suppleis	4,034.06
NORTHEAST NEBR JUVENILE SERV INC	Serv	1,553.75
OFFICE NET	Supplies	93.98
OFFICE WAREHOUSE	Supplies	371.92
OMAHA PUBLIC POWER DISTRICT	Herman	192.56
PERSONALIZED COMPUTER SERVICES	Serv	2,105.85
PHILLIPS 66 - CONOCO - 76	Fuel	253.61
POSTMASTER	March DMV	545.23
POUNDS PRINTING INC	Supplies	404.00
REDFIELD & COMPANY INC	Supplies	145.10
PATRICK R RUNGE	Crt Appt Attny	648.00
SARPY COUNTY SHERIFF	Serv	10.63
SHOLTZ SERVICES INC	Supplies	45.22
SIDNER, SVOBODA, SCHILKE, THOMSEN	Crt Appt Attny	861.00
STATE OF NEBR, AS IMSERVICES	Serv	161.33
TELRITE CORPORATION	Serv	173.87
THE CLEANER CO	Supplies	12.42
THE SIGN DEPOT	Serv	539.44
TOWN & COUNTRY PEST CONTROL INC	Serv	76.00
WASHINGTON CO ATTORNEY TRUST ACCOUN	Postage	15.96
WASHINGTON COUNTY CLERK	Filing Fees	34.00
WASHINGTON COUNTY COURT	Filing Fees	214.50

WASHINGTON COUNTY REGISTER OF DEEDS	Filing Fees	5.50
WASHINGTON COUNTY SHERIFF	Serv	112.60
<b>ROAD FUND</b>		
EMPLOYEES	Payroll	
AMERITAS LIFE INS CORP	Retirement	2,657.17
UNITED HEALTHCARE INS CORP	Ins	7,981.86
WASHINGTON COUNTY BANK	FICA	2,874.63
WASHINGTON COUNTY BANK	Ins	1,567.50
B'S ENTERPRISE INC	Signs	772.50
BOMGAARS	Supplies & Tools	175.60
CALHOUN OIL COMPANY	Fuel	879.75
CARQUEST AUTO PARTS MO	Parts	97.29
HI-LINE ELECTRICAL & MECHANICAL	Supplies	119.88
HOTSY EQUIPMENT COMPANY INC	Parts	265.62
JEO CONSULTING GROUP, INC	Engineering	6,720.50
KELLY RYAN EQUIPMENT COMPANY INC	Parts	141.93
KNUDSEN OIL & FEED	Fuel	1,859.00
MEDICAL ENTERPRISES, INC	Testing	46.00
MEMORIAL COMMUNITY HOSPITAL &	Testing	20.80
NORTHEAST NEBR ASSOC OF CO OFFICIAL	Workshop Reg	20.00
NEBRASKA IOWA SUPPLY COMPANY	Fuel	4,000.16
NEBRASKA SALT & GRAIN COMPANY	Ice Control	1,403.40
NIELSEN ENTERPRISES	Ice Control	1,510.50
NMC EXCHANGE LLC	Parts	4,914.90
PERSONALIZED COMPUTER SERVICES	Serv	27.50
POWERPLAN	Parts	177.70
SCHEMMER & ASSOC	Engineering	1,002.70
TELESYSTEMS LLC	Serv	95.00
<b>HARD SURFACING FUNDS</b>		
NEBRASKA DEPARTMENT OF ROADS	Co Portion	7,136.44
<b>STATE INSTITUTIONS FUND</b>		
NE HEALTH & HUMAN SERVICES	Serv	93.00
<b>BUILDING FUND</b>		
BOMGAARS	Supplies	4.79
MILLER ELECTRIC COMPANY	Serv	120.00
TELESYSTEMS LLC	Phones & Serv	1,125.00
<b>COMPUTER FUND</b>		
PERSONALIZED COMPUTER SERVICES	Serv	55.00
<b>WEED FUND</b>		
NORTHEAST NEBR ASSOC OF CO OFFICIAL	Workshop Reg	20.00
NEXTEL	Serv	38.88
MICHAEL SMITH	Reimb Mileage	342.37
<b>E911 FUND</b>		
DOUG COOK	Reimb Mileage	450.30
GREAT PLAINS COMMUNICATIONS INC	Serv	113.37

There being no further business to come before the Board at this time, it was moved by Clausen and seconded by Quist that the meeting be adjourned until the next regular Board meeting date, Tuesday, Mar 10, 2009. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried. Chairman declared meeting adjourned.

Attest:  
Merry M Truhlsen  
Washington County Clerk

Duane Wilcox, Chairman  
Washington County Board of Supervisors

I, Merry M Truhlsen, County Clerk, in and for Washington County, Blair, Nebraska, do hereby certify that the foregoing proceedings took place during the Feb 24<sup>th</sup> meeting of the Washington County Board of Supervisors

Merry M Truhlsen  
Washington County Clerk