

**August 25, 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, August 25, 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, Mary Alice Johnson and Ron Hinline. Ernest Abariotes was absent. Also present, County Clerk Merry Truhlsen.

It was moved by Quist and seconded by Clausen that the rules be suspended and that the minutes of the August 11, 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 Hinline. Nay: None. Abariotes absent. Motion carried.

Abariotes was present. The following correspondence had been received: Nebr Dept of Rev-June Lodging Tax \$1495.91, letter from Nebr Dept of Roads about a workshop on September 18, letter from County Attorney regarding the MOS, letter from Clay County RE: conservation groups and tax-exempt acres, CPR class with NIRMA, letter from NACO on open meeting act laws and the December NACO meeting. It was motioned by Hinline and seconded by Quist to receive correspondence and place on file. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

The Nebraska Intergovernmental Risk Management Association (NIRMA) recently created a new program called Loss Prevention & Law Enforcement Safety Program. This will assist Sheriff Offices, Jails and Communication Departments prevent incidents, avoid injuries and deaths and save taxpayer dollars. Terry Baxter, retired Sheriff of Harrison County, is NIRMA's Law Enforcement Safety Specialist. Baxter, who recently moved to Blair, is traveling across the state introducing himself to Counties who insure with NIRMA. Baxter handed out a pamphlet outlining their services and said he is also an instructor for NIRMA's CPR classes.

Cheryl Parsons, Road Superintendent, had met with Dan Shamburg, regarding problems with Bridge C89-00415. Julie Ogden, JEO, discussed doing a drainage analysis of the site and suggested possibly replacing the bridge with twin culverts, which could be done by County forces. Dan Shamburg and Brandt Hansen discussed the bridge. It was motioned by Quist and seconded by Clausen to have Ogden finalize the drainage study for this bridge. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Parsons and Ogden next discussed the need to replace a box culvert C89(472) on CR31. Robert Frahm was present and spoke about the dangers of the sharp drop off on the side of the road. Ogden stated this could possibly be replaced with a single pipe. It was motioned by Clausen and seconded by Quist to have Ogden do the engineering for this project. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

At 10:00 Parsons received proposals for concrete repairs at two sites. One bid had been received from Luxa Construction Co Inc: Site #1 CR15 (Marshall-Nursery Road) cost \$29,013.44 and Site #2 CR4 (Herman-Scribner Road) cost \$9,427.60. It was motioned by Hineline and seconded by Abariotes to accept Luxa's bid of \$38,441.04. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

It was moved by Quist and seconded by Thomsen to receive the 2009 Annual County Office Inventory Reports from the various departments of County Government and place on file. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Thomsen discussed complaints she had received regarding dogs not on leashes at the County Fair. Board suggested she talk to the Fair Board about the matter.

Clerk had received Solid Waste Disposal Agreements, due September 1, from Abe's Trash Service, Triple C Hauling and U-Fill-It. It was motioned by Clausen and seconded by Quist to authorize Chairman to sign agreements and place on file. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Sheriff Mike Robinson was present to update the Law Enforcement Contracts with Arlington and Fort Calhoun to reflect salary increases. Motion by Quist and seconded by Clausen to authorize Chairman to sign the Law Enforcement Contracts. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Sandy Kucera, owner of Too Far North, was present. Kucera has applied for a Special Designated One Day Liquor License for the Harvest Moon Festival on September 27. This event is sponsored by the Alternative Growers Group. Clerk read resolution. It was motioned by Hineline and seconded by Clausen to adopt Resolution 2009-38. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

### **RESOLUTION 2009 - 38**

**WHEREAS, Too Far North (Sandy Kucera),** has filed an application for a Special Liquor Permit to dispense alcoholic beverages at

Santa's Woods, 3764 Hwy 133, Blair, Nebraska

**BE IT RESOLVED THAT** the Washington County, Nebraska, Board of Supervisors hereby approves the application of Too Far North (Sandy Kucera) and grants permission to use the specific area designated in said application on September 27, 2009 for the hours of: 9:00 A.M. through 10:00 P.M. inclusive for the purpose of dispensing of the alcoholic beverages on said premises.

**PASSED, APPROVED, AND ADOPTED** this 25 day of August, 2009.

Washington County Board of Supervisors  
Duane Wilcox, Chairman

Attest: Merry M Truhlsen, County Clerk

At 11:37 am the Board convened as Board of Equalization, see separate minutes. The Board adjourned from BOE at 11:42 am and reconvened in regular session. The Board then recessed for lunch.

Doug Cook, Washington County Planning Administrator, was present with the following items:  
PUBLIC HEARINGS CONDITIONAL USE PERMIT

**1. Conditional Use Permit request of J. Joseph Ricketts and Hugo Enterprises, LLC (applicant) and Larry L. and Cynthia J. Hald (owners)**

For a religious camp and retreat center in the NW1/4 SW1/4 and Tax Lots 10, 24, 31 and 32 in Section 33-Township 17 North-Range 10 East of the Sixth P.M. and Tax Lots 16, 17, 18, 19, 21 and the SW1/4 NW1/4, W1/2 SW1/4, E1/2 SE1/4 NW1/4, W1/2 SE1/4 NW1/4, E1/2 W1/2 SW1/4 NE1/4, W1/2 W1/2 SW1/4 NE1/4, E1/2 SW1/4 NE1/4, and along with a 30 foot road easement for ingress and egress as in Book 111, Page 37, Washington County Register of Deeds Office, all in Section 32-Township 17 North-Range 10 East of the Sixth P.M. (address: 1705 County Road P15). Scott Dye, Atty for Ricketts and Hugo Enterprises LLC, spoke of new developments with the property. In the time it has taken to get the conditional use permit, sellers asked to keep property on market and have received another offer which was accepted by the sellers. If that sale does in fact go through, his client's purchase agreement washes out and they will ask the County to revoke the CUP. They would still like to continue with the process of obtaining the CUP with the condition that the applicant acquires title to the property. Dye went through the binder explaining the plans for the center. Board discussed letter in binder where applicant has stated he does not intend to apply for a property tax exemption. It was motioned by Thomsen and seconded by Clausen concur with the Planning Commission to approve with the following conditions:

- (1) the definition of religious camp and retreat center be as provided in the applicants' July 29<sup>th</sup> letter;
- (2) there will be no access to, or through, River Bend Acres Subdivision, except as required \ requested by the Arlington VFW;
- (3) the County's erosion control regulations will be followed (by paying for and obtaining the individual lot notice of intent) for all new non-accessory buildings constructed on site (church, residence halls, etc);
- (4) per recommendations of the Arlington Fire Chief (letter dated July 27<sup>th</sup>), a fire department over ride key system be utilized and a dry hydrant system be installed;
- (5) one monument type sign be permitted, maximum of 8' tall, with 32 square feet of sign face per side, lighted only from dusk to 10:00 p.m.;
- (6) a review in 7 years;
- (7) that the binder bound document be kept in the file; and
- (8) that applicant acquires title to the property.

Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, and Abariotes. Nay: None. Hinline abstained. Motion carried.

REZONING

**2. Rezoning request of Donald Paul Leinbach**

From R-2 Estate Residence and A-1 Agriculture Primary to A-1 Agriculture Primary of Tax Lot 190, Section 31-Township 17 North-Range 13 East of the Sixth P.M. (address: 4381 County Road P40). Leinbach was present and explained he had an easement for this driveway and was able to purchase the property so he now owns his driveway. It was motioned by Clausen and seconded by Thomsen to concur with the Planning Commission to approve the rezoning request as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

LOT SPLIT

**3. Lot Split request of Donald W. Weikle, Jr. and Bonnie J. Weikle** of Tax Lot 28 Section 28-Township 19 North-Range 11 East of the Sixth P.M. (address: 14227 County Road 14). It was motioned by Quist and seconded by Clausen to concur with the Planning Commission to approve as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

REZONING

**4. Rezoning request of Donald W. Weikle, Jr. and Bonnie J. Weikle**

From A-1 Agriculture Primary to A- LSR Agriculture – Lot Split Residential of a proposed 6.18-acre tract from Tax Lot 28, Section 28-Township 19 North-Range 11 East of the Sixth P.M. (address: 14227 County Road 14). It was motioned by Abariotes and seconded by Thomsen to concur with the Planning Commission to approve as

presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

## REZONING

### **5. Rezoning request of Salem Evangelical Lutheran Church c/o H. John Wilkening, Jr.**

From R-2 Estate Residence and A-1 Agriculture Primary to H-A Homestead Agricultural of Lot 1 Revised, Block 113 Fontanelle Village; and part of 11th Street as platted and recorded in the Original Town site of Fontanelle, and lying in the SW1/4 of the SW1/4 of Section 9, Township 18 North, Range 9 East of the 6th P.M. and more particularly described as follows: beginning at the Southwest Corner of Block 113 in the Original Town site of Fontanelle, Washington County, Nebraska; thence westerly along the Westerly Projection of the Southerly Line of said Block 113 a distance of 280.00 feet; thence northerly parallel to and 28.00 feet westerly of the Westerly Line of said Block 113 a distance of 400.02 feet more or less, to a point on the Westerly Projection of the Northerly Line of said Block 113; thence easterly along said westerly projected northerly block line a distance of 28.00 feet to the Northwest Corner of said Block 113; thence southerly along the Westerly Line of said Block 113 a distance of 400.02 feet, more or less, to the Point of Beginning and containing 0.26 acres, more or less. (address: 11022 11<sup>th</sup> Street, Fontanelle). It was motioned by Thomsen and seconded by Clausen to concur with the Planning Commission to approve as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

## CONDITIONAL USE PERMIT

### **6. Conditional Use Permit request of Salem Evangelical Lutheran Church % H. John Wilkening, Jr.**

For a church (recognizing a pre-existing use and to allow for expansion) on Lot 1 Revised, Block 113 Fontanelle Village; and part of 11th Street as platted and recorded in the Original Town site of Fontanelle, and lying in the SW1/4 of the SW1/4 of Section 9, Township 18 North, Range 9 East of the 6th P.M. and more particularly described as follows: beginning at the Southwest Corner of Block 113 in the Original Town site of Fontanelle, Washington County, Nebraska; thence westerly along the Westerly Projection of the Southerly Line of said Block 113 a distance of 280.00 feet; thence northerly parallel to and 28.00 feet westerly of the Westerly Line of said Block 113 a distance of 400.02 feet more or less, to a point on the Westerly Projection of the Northerly Line of said Block 113; thence easterly along said westerly projected northerly block line a distance of 28.00 feet to the Northwest Corner of said Block 113; thence southerly along the Westerly Line of said Block 113 a distance of 400.02 feet, more or less, to the Point of Beginning and containing 0.26 acres, more or less. (address: 11022 11<sup>th</sup> Street, Fontanelle). It was motioned by Clausen and seconded by Thomsen to concur with the Planning Commission to approve with a review in 99 years. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Budget discussion was the next item on the agenda. Clerk handed out revised budget copies and briefly pointed out some changes made in this year's budget. Budget Committee had requested County Officials have a zero increase from the 08-09 Budget. All County Officials complied, with the exception of the County Atty and the Sheriff. County Attorney Graeve was present and the Board discussed that budget. Quist stated they would be looking at the budgets and would notify the officials with any changes. Pam Daly made comments about the budget process and the Co Atty's budget. Sheriff Robinson was present, along with many employees of the Sheriff, Jail and Communications departments. Robinson discussed the union contract, personnel costs and the pay raises allowed. Daly commented on the good job Law Enforcement does. Clerk and Gary Pavel, CPA, who prepares the county's budget, briefly discussed the situation of the extra \$231.5 million dollars added to the County's valuation when Cargill's application for personal property tax exemption under the Nebraska Advantage program was denied. In the event Cargill appeals and the tax exemption is reinstated the County must repay this money. After checking with the State Auditor's Office, the Clerk said that putting this money into the cash reserves seemed like the best option. The Board agreed. Wilcox left the meeting at 3:30. Board continued to look through the budgets. Daly commented at various points of the discussion.

There were no comments from the Public.

Claims were received and reviewed. It was then moved by Quist and seconded by Clausen that the following claims be allowed and Clerk ordered to issue warrants on the various funds for the same. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

**GENERAL FUND**

EMPLOYEES	Payroll	135,002.50
Ameritas Life Ins Corp	Retirement	9,388.62
United Healthcare Ins Co	Ins	35,872.96
Washington Co Bank	FICA	9,610.15
Washington Co Bank	Ins	5,930.50
Alltel	Serv	148.83
Arlington Library	Appropriation	1,100.00
Patrick Baxter	Crt Appt Attny	408.00
Black Hills Energy	Serv	95.94
Bloomfield Printing	Supplies	38.00
Campbell-Aman Funeral Home	Serv	300.00
City of Blair	Serv	751.51
Civil Air Patrol Magazine	Subscript	95.00
Clerk District Court	Filing Fees	280.00
Constellation	Serv	183.74
Dell	Supplies	199.98
Dept of Motor Vehicles	Serv	3.00
Dornan & Lustgarten	Crt Appt Attny	602.88
Douglas Co Sheriff	Crt Appt Attny	50.12
Leo Eskey	Crt Appt Attny	1,176.00
Fort Calhoun Library	Appropriation	1,100.00
Fremont Lock & Key	Serv	49.00
Getzschman Heating	Serv	165.00
Shurie Graeve	Reimb Mileage	4.62
Hall Law Offices	Crt Appt Attny	921.00
Holiday Inn Kearney	Work Shop	169.90
Ideal Pure Water	Serv	20.13
JW Jones MD	Serv	960.00
Stephen Kraviec	Child Supt Enf	1,384.61
Kueny Law Offices	Crt Appt Attny	306.00
Carol Kuhr	Reimb Mileage	37.40
Matthew Bender & Co	Subscript	193.57
Lynn Peavey Co	Supplies	69.50
Missouri Polygraph Assoc	Sheriff	20.00
Moore Wallace	Supplies	99.81
Motorola	Equipment	272.00
NE Health & Human Serv	Serv	93.00
Nebraska Notary Assoc	Clerks	120.00
Nextel	Serv	671.14
No Frills	Jail	2,766.73
Officenet	Copier	131.60
Office Warehouse	Supplies	1,456.26
Omaha Public Power District	Herman	216.90
PC Serv	Serv	165.00
Phillips Conoco 76	Fuel	282.53
Postmaster	Co Crt	132.00
Postmaster	Treas DMV	476.04
Postmaster	Co Attny	285.60
Pounds Printing	Supplies	677.00
Radiology Consultants	Serv	35.00
Region 6 Behavioral Serv	Appropriation	9,930.00

Spencer Fane Britt	Training	36.00
State of NE AS Central Fin	Network	134.25
Telrite Corp	Serv	336.21
The Sign Depot	Supplies	43.06
Merry Truhlsen	Reimb Mileage	352.72
Paul Vaughan	Crt Appt Attny	978.00
Walgreens Drug Stores	Assessor Photos	200.00
Washington Co Court	Fees	1,209.32
Wash Co Register Deeds	Fees	16.00
Wash Co Sheriff	Fees	48.50
West Payment Center	Subscript	480.00
NE Nebr Assoc Co Officials	Work Shop	90.00

#### **ROAD FUND**

Employees	Payroll	36,074.69
Ameritas Life Ins	Retirement	2,341.98
United Healthcare Ins Co	Ins	7,948.64
Wash Co Bank	FICA	2,622.80
Wash Co Bank	Ins	1,567.50
AAWheel & Truck Supply Inc	Parts	700.75
B & D Truck Parts	Tire	75.00
Bomgaars Supply Co	Parts	112.26
Carquest Auto Parts Store	Parts	41.55
Enterprise Publishing Co	Subscript	42.00
Fastenal Co	Supplies	39.75
General Fire & Safety	Supplies	85.00
Hi-Line	Supplies	243.88
Holiday Inn Lincoln	Work Shop	119.24
Holiday Inn Kearney	Work Shop	169.90
Hotsy Equip Corp	Parts	339.90
JEO Consulting Group	Engineering	4,726.50
Knudsen Oil & Feed Co	Equip	3,157.72
Luxa Const Co	Equip Rental	637.50
Lyman-Richey Sand & Gravel	Gravel	40,793.79
Medical Enterprises Inc	Testing	92.00
NE Nebr Assoc Co Officials	Work Shop	15.00
NE-IA Supply Co	Fuel	4,542.14
NMC Exchange LLC	Motorgrader Pymt	137,394.31
Ortmeier's TV	Telephone	103.00
Cheryl Parsons	Reimb Mileage	269.50
Royal Towel Co	Shop Supplies	204.62
Sapp Bros Petroleum	Fuel	2,611.84
Schemmer Assoc	Engineering	9,586.90
The Sign Depot	Signs	201.45
Thermo-King Christensen	Parts	1,041.79
Western Engineering Co	Millings	152.48

#### **BUILDING FUND**

Sorensen Painting	Serv	832.00
-------------------	------	--------

#### **WEED FUND**

Employees	Payroll	1,712.00
Ameritas Life Ins	Retirement	104.76
United Healthcare Ins Co	Ins	33.22
Wash Co Bank	FICA	130.96
Bomgaars	Supplies	3.98
Fairway Oil Co	Fuel	189.15

Monke Bros	Chemicals	220.00
NE Nebr Assoc Co Officials	Work Shop	15.00
Nextel	Serv	45.00
Matt Smith	Serv	220.00
The Cleaner Co	Supplies	464.80
The Sign Depot	Signs	101.20
<b>E911 FUND</b>		
Aeroflex Wichita Inc	Serv	2,400.00
Great Plains Comm Inc	Serv	143.37
Motorola	Serv	4,188.32

There being no further business to come before the Board at this time, it was moved by Hineline and seconded by Clausen that the meeting be adjourned until the next regular Board meeting date, Tuesday, September 8, 2009. All members present voted aye. Vice 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 August 25, 2009 meeting of the Washington County Board of Supervisors.

\_\_\_\_\_  
Merry M Truhlsen, Washington County Clerk