

**September 22, 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, September 22, 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 was being recorded. Chairman made note that the Open Meetings Law was posted on the door and the north wall. Present: Chairman, Duane Wilcox, County Board Members, Linda Thomsen, Kent Clausen, Mary Alice Johnson, Ron Hinehline and Ernest Abariotes. Jeff Quist was absent. Also present, County Clerk Merry Truhlsen.

It was moved by Clausen and seconded by Thomsen that the rules be suspended and that the minutes of the September 8, 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: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried.

It was moved by Hinehline and seconded by Clausen that the rules be suspended and that the minutes of the September 15, 2009 budget hearing 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: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried.

The following correspondence had been received: Dept of Revenue July lodging tax is \$1,025.26, e-mail from Pam Daly regarding LoHo road grades and a thank you from Dana College. Motion Abariotes and second by Hinehline to receive correspondence and place on file. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried.

Cheryl Parsons, Road Supt had the following items: Parsons had received correspondence from the State regarding the inspection of fracture critical bridges. Motion Clausen second Thomsen to use a consultant the State has under contract to inspect all fracture critical bridges in Washington County, with the County paying 20% of the cost. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried.

Parsons asked the Board to approve the Road & Bridge Contracts Report. This report lists the contract amount spent on projects for the fiscal year. Motion Clausen second Thomsen to approve the Board of Classifications report. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried. The Board of Classification also requested the County Board send an addendum regarding total road revenues and whether the County has Sales Tax. Motion Clausen second Thomsen to authorize Chairman to sign addendum. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried. Parsons also had a Certification to Board of Classification verifying that minimum standards of design, construction and maintenance of roads have been met this last fiscal year and that highway-user revenue allocations have been expended with approved rules and regulations. Motion Clausen second Thomsen to approve certification. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinehline and Abariotes. Nay: None. Motion carried.

Kathy McKillip, Nebr Innovation Zone Commission, discussed the Memorandum of Support for I-80 Corridor with the Board and had handouts. Abariotes is Washington County's representative on the Board. The Board had previously discussed signing this with the Co Atty's office. Motion Abariotes second Clausen to authorize Chairman to sign the MOS. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson and Abariotes. Nay: None. Hinline abstained. Motion carried.

Randy Wildman and Ben Scherer, Wash Co Sheriff Deputies, discussed renewing the contract with Kennard Village to hire off-duty officers to enforce their ordinances. Kennard pays the deputies directly and reimburses the Sheriff's Office 48½¢ a mile for the use of the patrol car. Some Board members felt they would like more information on the contract. Motion Hinline second Johnson to table action on contract with the Village of Kennard to the next meeting. Vote- Aye: Johnson, Hinline and Abariotes. Nay: Thomsen, Clausen and Wilcox. Motion failed, no action taken.

Marj Hoier, Co Treasurer, had received two bids for counter reconstruction to accommodate State mandated changes in Treasurer's Office. GW Custom Cabinets proposal- \$599.00, Mel Johnson Construction- \$1,338.00. Motion Abariotes second Hinline to accept bid from GW Custom Cabinets in the amount of \$599.00. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinline and Abariotes. Nay: None. Motion carried.

Hoier submitted a list of delinquent taxes to the County Board as required by State Statute. This report lists properties on which taxes are 3 or more years delinquent and which weren't sold at the last annual tax sale. Motion Hinline second Abariotes to instruct County Treasurer to issue tax sale certificates to the county covering the delinquent taxes upon such real property, to be foreclosed upon in the manner and at the time provided in State Statute. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinline and Abariotes. Nay: None. Motion carried.

Doug Cameron gave the Board information and read a letter regarding a petition for redress concerning Washington County Court orders. Chairman stated he wasn't sure what the Board could do but his information will be part of the record for this meeting.

At 11:30 the Board convened as Board of Equalization, see separate minutes. Board adjourned from BOE at 11:35 and reconvened in regular session. Board recessed for lunch.

Doug Cook, Planning Administrator had the following agenda items: PUBLIC HEARINGS

1. Lot Split request of Betty J. Peterson, Lois J. Ronhovde and John C. Peterson of the E1/2 NE1/4 NW1/4, Section 20-Township 17 North-Range 11 East of the Sixth P.M. (address: 3815 County Road P25). Motion Clausen second Thomsen to concur with Planning Commission recommendation to approve as presented. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinline and Abariotes. Nay: None. Motion carried.

2. Rezoning request of Betty J. Peterson, Lois J. Ronhovde and John C. Peterson from A-1 Agriculture Primary to A- LSR Agriculture – Lot Split Residential of a proposed 4.52- acre tract from the E1/2 NE1/4 NW1/4, Section 20-Township 17 North-Range 11 East of the Sixth P.M. (address: 3815 County Road P25). Motion Abariotes second Clausen to concur with Planning Commission recommendation to approve as presented. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinline and Abariotes. Nay: None. Motion carried.

3. Conditional Use Permit request of Mike Quinn For the construction of an accessory building prior to the start of home construction in a platted subdivision, on Lot 4, Blue's Spirit Acres, Section 31-Township 18 North-Range 12 East of the Sixth P.M. (general location: west side of County Road P35, directly across from Buck Lane, at the west end of Blue's Spirit Lane). Motion Hinline second Abariotes to concur with Planning Commission recommendation to approve with a review in one year to receive a status report. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson, Hinline and Abariotes. Nay: None. Motion carried.

4. Washington County Zoning Regulation Text Amendment To Article 7: Supplemental Regulations, Section 7.08 Sign Regulations. To add to the list of signs exempt from regulation subdivision entrance signs and signs advertising facilities, utilities, realty companies, financial institutions, etc. (phone providers, internet providers, water provider, etc.) provided the signs are located on private property in the subdivision and to allow a temporary off-premise advertising sign for an in-County subdivision. Cook explained there has been much discussion on signage and after a proposal (Option A) was advertised in the paper to come before the Planning Commission, another proposal (Option B) was discussed. Option B would require conditional use permits for signs. Cook noted the Planning Commission couldn't act on Option B as it was not advertised. Pam Daly registered a complaint about the subcommittee's role in this process. Robbin Jeffrey asked about using a text amendment to change zoning laws. Clausen explained the problem in the zoning laws is that it allows for no temporary signs, so if you take some down, you have to take them all down. Daly disagreed with the interpretation. Motion Clausen second Abariotes to concur with Planning Commission recommendation that the following text amendment: Washington County Zoning Regulation Text Amendment to Article 7: Supplemental Regulations, Section 7.08 Sign Regulations. To add to the list of signs exempt from regulation subdivision entrance signs and signs advertising facilities, utilities, realty companies, financial institutions, etc. (phone providers, internet providers, water provider, etc.) provided the signs are located on private property in the subdivision and to allow a temporary off-premise advertising sign for an in-County subdivision (Option A) be denied. There was more discussion, during which Hineline made a motion to remove the subdivision signs. Motion died for lack of a second. Motion already on the floor was then voted on. Vote- Aye: Wilcox, Thomsen, Clausen, Johnson and Abariotes. Nay: Hineline. Motion carried.

5. LoHo LLC Request for Deviation from Nebraska Minimum Design Standards

Title 428 – Board of Public Roads Classifications and Standards, 001.16 Minimum Design Standards – Rural Roads for an RL-1 Road, in Glen Oaks subdivision, Sections 4, 8 and 9-Township 17 North-Range 12 East of the Sixth P.M. (general location: bounded by County Road P32 on the south, County Road P39 on the east and County Road 39 on the west; and generally extending ½ mile north of the P32 \ P39 intersection and one mile north of the 39 \ P32 intersection). Mark Westergard, E&A Consulting, and project engineer for Glen Oaks Subdivision, told Board there are 4 locations that don't meet current subdivision street criteria and he is requesting a deviation to the County standards. Westergard stated these roads are very similar to roads in other subdivisions and that even many county roads do not meet the criteria this subdivision is being required to meet. Westergard admitted he did use the wrong table in error from the Nebraska Minimum Design Standards booklet and asked the Board to accept the Planning Commission's recommendation to bring the 4 sites into compliance. Julie Ogden, JEO Consulting Group, who is the County's hired licensed professional engineer discussed the 4 sites and her recommendations, which the Planning Commission accepted. Pam Daly, Wes Stamp and Robbin Jeffrey voiced their opposition to granting deviations on the 4 sites. Daly had handouts for the Board. Thomsen left at 2:45. Board discussed the Planning Commission's recommendations, which were 1. Sites #1 and #4 be accepted with the current conditions per recommendation of Ogden; 2. Site #2 be curbed all the way to the creek; curb at intersection on both sides; corners covered with curbs (this to be designed and engineered and reviewed by Ogden) and steep grade signs be installed at the developers expense; 3. Site #3 the outside curve be curbed to the intersection (this to be designed and engineered and reviewed by Ogden) and steep grade signs be installed at the developer's expense; 4. a speed limit of 25 mph be set in the subdivision; 5. that all Ogden's costs are to be paid by the applicant. Motion Clausen second Hineline to table the issue today, have Ogden re-inspect area at developer's expense, and determine what would be the safest options to do and bring a recommendation back to the Board. Vote- Aye: Wilcox, Clausen, Johnson, Abariotes and Hineline. Nay: None. Thomsen was absent. Motion carried.

OLD BUSINESS

1. September 2009 Conditional Use Permit reviews:

FILE #	APPLICANT	PURPOSE	STAFF RECOMMENDATION
91-08	Ruwe's	sludge	approve, review in 1 year
93-27	Ruwe's	sludge	approve, review in 1 year
86-02	R. Wilkins & Sons	sludge	approve, review in 1 year

92-18 R. Wilkins & Sons sludge approve, review in 1 year  
 89-05 3C's % T. Cameron sludge approve, review in 1 year  
 Gordon Andersen with the City of Omaha was present. Motion Hinline second Clausen to concur with Planning Commission recommendation to approve CUP 91-08, 93-27,86-02, 92-18 and 89-05 with the conditions that all requirements of the City of Omaha be continually met and with a review in one year. Vote-Aye: Wilcox, Clausen, Johnson, Hinline and Abariotes. Nay: None. Thomsen was absent. Motion carried.

Comments from Public: Pam Daly discussed submitting a complaint to the Nebraska Board of Engineers.

Claims were received and reviewed, following which it was moved by Hinline 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: Wilcox, Clausen, Johnson, Hinline and Abariotes. Nay: None. Thomsen was absent. Motion carried.

**GENERAL FUND**

EMPLOYEES	Payroll	149,849.42
AMERITAS LIFE INS CORP	Retirement	10,381.80
UNITED HEALTHCARE INS CO	Ins	35,166.04
WASHINGTON CO BANK	FICA	10,767.24
WASHINGTON CO BANK	Ins	5,898.88
A T & T TOWING	Serv	115.00
ALLTEL	Serv	201.21
ANIMAL CARE OF BLAIR	Serv	147.00
BARTON SOLVENTS INC	Supplies	416.40
BLACK HILLS ENERGY	Serv	97.21
BOYDSTON LAW OFFICE LLC	Crt Appt Attny	573.00
BURT COUNTY COURT	Copies	2.00
C'NJ PLUMBING INC	Serv	320.00
CLERK OF DISTRICT COURT	Filing Fees	129.00
CONSTELLATION ENERGY	Serv	287.10
CONTROL SERVICES INC	Serv	87.70
CREIGHTON MEDICAL LABORATORIES	Serv	322.40
DELL MARKETING LP	Supplies	49.95
DEPARTMENT OF MOTOR VEHICLES	Copies	12.00
DODGE COUNTY SHERIFF	Serv	14.90
DOUGLAS COUNTY SHERIFF	Serv	53.80
ELECTRIC FIXTURE & SUPPLY CO	Supplies	74.32
ENTERPRISE PUBLISHING CO INC	Notice	31.06
GETZSCHMAN HEATING LLC	Serv	75.00
SHURIE GRAEVE	Reimb Supplies	24.59
HEADSETTERS	Supplies	34.24
HEALTH MART PHARMACY	Rx	334.37
IDEAL PURE WATER	Serv	9.63
J.F. AHERN CO	Serv	805.00
JETTER'S PLUMBING INC	Serv	248.48
JOHNSON & MOCK, ATNY LAW	Crt Appt Attny	1,100.32
STEPHEN J KRAVIEC PC LLO	Child Support Enf	1,384.61
KUENY LAW OFFICE	Crt Appt Attny	6.00
LAW ENFORCEMENT SYSTEMS INC	Supplies	67.00
MATTHEW BENDER & CO INC	Supplies	67.90
MEMORIAL COMMUNITY HOSPITAL &	Corrections Serv	3,035.50
MPH INDUSTRIES, INC	Serv	276.62
NE DOL/BOILER INSPECTION PROGRAM	Serv	216.00
NE HEALTH & HUMAN SERVICES	Serv	183.00
NEXTEL	Serv	710.69
NO FRILLS SUPERMARKET INC	Corrections Supplies	3,522.97

O'REILLY AUTOMOTIVE INC	Supplies	3.99
OFFICE NET	Supplies	263.20
OFFICE WAREHOUSE	Supplies	222.64
OMAHA PUBLIC POWER DISTRICT	Serv	251.51
OMAHA WORLD HERALD	Ad	483.12
ORTMEIER'S TV & APPLIANCE INC	Supplies	49.96
PAMIDA INC	Supplies	56.61
PERSONALIZED COMPUTER SERVICES	Serv	102.45
PHILLIPS 66 - CONOCO - 76	Fuel	496.75
POSTMASTER	Stamps	176.00
POSTMASTER	DMV Oct	417.97
POUNDS PRINTING INC	Supplies	269.00
QUALITY INN & SUITES	Workshop	276.00
RADIOLOGY CONSULTANTS PC	Corr Serv	162.09
ROTO ROOTER PLUMBING & DRAIN SERV	Serv	345.50
SMITTY'S AUTO SERVICE INC	Serv	1,357.48
STATE OF NEBR, AS CENTRAL FINANCE	Serv	134.25
STATE OF NEBR, DEPT OF CORRECT SERV	Serv	1,047.28
TELRITE CORPORATION	Serv	376.27
THE CLEANER CO	Supplies	433.76
THE DAILY RECORD	Ad	135.00
J A THOMSEN MD	Serv	935.00
JENNIFER D WALKINGSTICK	Crt Appt Attny	150.00
WASHINGTON COUNTY ATTORNEYS TRUST A	Reimb Fees	292.08
WASHINGTON COUNTY BANK	Car Pymt	4,630.87
WASHINGTON COUNTY COURT	Fees	3.75
WASHINGTON COUNTY SHERIFF	Serv	76.00
WEST PAYMENT CENTER	Supplies	201.00
DUANE WILCOX	Reimb Mileage	287.65
WOODHOUSE FORD INC	Serv	84.00
<b>ROAD FUND</b>		
EMPLOYEES	Payroll	41,912.38
AMERITAS LIFE INS CORP	Retirement	2,743.90
UNITED HEALTHCARE INS CO	Ins	7,948.64
WASHINGTON CO BANK	FICA	3,069.48
WASHINGTON CO BANK	Ins	1,567.50
AA WHEEL & TRUCK SUPPLY INC	Parts	363.06
B'S ENTERPRISE INC	Signs	715.50
CARQUEST AUTO PARTS MO	Parts	13.59
CMA TRUCKING	Equip Rental	163.88
DULTMEIER SALES	Fuel	412.50
FASTENAL COMPANY	Supplies	73.72
GENERAL FIRE & SAFETY EQUIP CO	Safety Equip	75.00
JEO CONSULTING GROUP, INC	Engineering	1,393.50
KELLY RYAN EQUIPMENT COMPANY INC	Parts	34.97
KENNARD TRUCKING	Equip Rental	2,894.61
RONALD KERSTETTER	Equip Rental	4,055.89
KNUDSEN OIL & FEED	Fuel	3,807.23
LYMAN-RICHEY SAND & GRAVEL COMPANY	Gravel	26,591.05
MARTIN MARIETTA MATERIALS	Rock	48,775.29
MEDICAL ENTERPRISES, INC	Testing	46.00
MEMORIAL COMMUNITY HOSPITAL &	Testing	67.60
MIDWEST SERVICE & SALES CO	Culverts	710.50
MIDWEST STRIPING INC	Markings	22,317.00
NEBRASKA IOWA SUPPLY COMPANY	Fuel	2,697.95
NMC EXCHANGE LLC	Parts & Labor	17,331.42

PAMIDA INC	Supplies	48.69
SAFETY-KLEEN	Serv	281.48
SAPP BROS PETROLEUM, INC	Fuel	835.52
SCHEMMER & ASSOC	Serv	5,670.11
SMITHERS LAWN CARE	Serv	1,800.00
STERN OIL CO INC	Oil	1,587.00
THERMO KING CHRISTENSEN	Serv	186.55
WASHCO FEED & SUPPLY	Supplies	187.00
<b>WEED FUND</b>		
EMPLOYEES	Payroll	1,830.40
AMERITAS LIFE INS CORP	Retirement	123.55
UNITED HEALTHCARE INS CO	Ins	33.22
WASHINGTON CO BANK	FICA	140.02
ENTERPRISE PUBLISHING CO INC	Notice	196.25
FAIRWAY OIL COMPANY	Fuel	211.20
KNUDSEN OIL & FEED	Supplies	644.57

There being no further business to come before the Board at this time, it was moved by Clausen and seconded by Hinline that the meeting be adjourned until the next regular Board meeting date, Tuesday, October 13, 2009. Vote- Aye: Wilcox, Clausen, Johnson, Hinline and Abariotes. Nay: None. Thomsen was absent. 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 September 22<sup>nd</sup> meeting of the Washington County Board of Supervisors.

Merry M. Truhlsen  
Washington County Clerk