

October 26, 2010 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, October 26, 2010 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, Jeff Quist, Mary Alice Johnson, Ernest Abariotes and Ron Hinline. Also present, County Clerk Merry Truhlsen and Deputy County Attorney Ed Talbot.

It was moved by Quist and seconded by Clausen that the rules be suspended and that the minutes of the October 14, 2010 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. Louis Lester read a list of corrections he would like included in the October 12th minutes. Lester handed the list to the Clerk. Board discussed the items with Lester. Quist amended his motion to add "documents were placed on file and discussion was held", Clausen agreed to the amendment. Vote- Aye: Clausen, Quist, Wilcox, Johnson and Abariotes. Nay: Hinline. Abstain: Thomsen. Motion carried. Clerk added the following corrections to the October 12th meeting: "Louis Lester submitted his testimony and copies of statutes to be placed on file with the Clerk and discussion was held."

Cheryl Parsons, Road Supt, asked Raymond Arnold with Western Engineering to discuss improvements for County Road P30. Arnold handed out the proposal in which Martin Marietta is supplying the aggregate and Western Engineering is providing the pulverizing machine at a reduced cost. The estimated cost to the County is \$131,600. County's involvement would also be the ditch repair, marking the center line and lowering the tubes. Talbot asked if there was anyway, in Arnold's mind, another company could effectively bid this. Arnold said he didn't know how someone could bid it with all the free material and labor that was being provided. Talbot noted should the Board accept this bid, it is based upon a unique specialty item where the County is benefiting from the free labor and materials and because of that, it falls outside the bidding requirements. Board discussed giving the road to Martin Marietta and what effect that would have on individual landowners who use the road. Board discussed the process and time involved to close a road. Clausen discussed the need to improve the road before next spring when a rainy season would deposit slop on the highway. Arnold didn't know if they could offer the County this same proposal next spring. Board asked Parsons to check depth of ditch. Motion Hinline second Abariotes to refer this proposal to the Road Committee. Vote- Aye: Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: Thomsen and Clausen. Motion carried. Road Committee meeting was set for Nov 3.

Clerk had received proposals for a new motor grader from two companies: Murphy Tractor Company submitted a bid for a John Deere 770G – \$167,480; 770GP - \$178,454; 772G - \$197,300. Nebraska Machinery Company submitted a bid for a Caterpillar 140M - \$200,546; 12M - \$178,079. The preceding bids included a motor grader, snow plow and snow wing and the trade-in of the same. Board discussed the bids. Motion Abariotes second Hinline to refer bids to Road Committee. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Board entered into a Closed Session at 10:40 a.m. for the protection of the public interest regarding the Road Dept: CR15 microsurfacing contract, threatened litigation and settlement. Motion Thomsen second Quist to go into closed session. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried. Motion by Hinline second by Clausen to end closed session at 11:01 a.m. with the reason for closed session stated as being the protection of the public interest regarding Road Dept: CR 15 microsurfacing contract, threatened litigation and settlement. The following action was taken: motion was made by Clausen second by Thomsen to pay \$30,000 for the last mile of microsurfacing for County Road 15 that was not in the contract. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Board had appointed Abariotes and Johnson to contact the Secretary of State regarding the Clerk's error in listing the Officials for the 2010 Farm & Home Plat & Directory. Johnson stated they had met with Truhlsen and they had contacted Neal Ericson, Sec of State's office. Johnson read Ericson's reply then stated at this point the Board couldn't do anything to limit Truhlsen's position in regard to election duties. Johnson stated the books in the Clerk's office have been corrected. Hinline said he didn't think the County should be selling the Directory and made a motion to not sell the 2010 FHP directories. Motion died for lack of a second. Motion Quist second Thomsen to accept the Committee's report regarding the error in listing the officials in the FHP Directory. Louis Lester commented on the wording of the agenda item and discussed the duties of the County Clerk. Pam Daly discussed State Statute 32-218 and errors she saw in the Oct 12 minutes. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried. Hinline asked to discuss selling the directories at the next meeting asked they not be sold in the interim. Daly commented these should not be sold by the County because there is advertising by private businesses.

Hinline asked why we are paying the County Attorney benefits when he is part time, as the Personnel Manual states part time employees don't receive full benefits. Hinline read an excerpt from the minutes in Nov 2004 where the Board reluctantly accepted Talbot's resignation and effective Jan 2005 he would be part time. Hinline requests this be clarified in the Personnel Manual by January when the new term starts. Hinline made a motion that effective Jan 1, 2011 the part time Co Atty would no longer be paid benefits. Motion died for lack of a second. Motion by Quist second by Clausen to refer this to the Board Committee of Thomsen, Johnson and Hinline that is reviewing the Personnel Manual, and report back to the Board on November 23. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

Mary Alice Johnson discussed the Sheriff's office method of payment for dog care for the canine officers. Johnson stated according to state statute canine officers can be reimbursed for dog care and she would like to see this clarified with an agreement or specified in the FOP Contract. Sheriff Mike Robinson handed out information pertaining to compensating canine handlers, which states they must be paid a minimum of 3½ hours per week, which is what Robinsons had been doing. Robinson said he agreed this should be spelled out either in his General Orders or the FOP contract. Next, Johnson stated she had talked to the Sheriff about a patrol car driving outside of the county to and from work. Robinson stated that officer is the Detective Captain who is on call 24 hours, 7 days a week and has responded to 62 calls since Jan 2010. Robinson said he feels this is in the best interest of the Sheriff's Office and the County that the officer is able to immediately respond to emergency calls. Quist stated the Sheriff has the responsibility to run his office and the issue of take home cars has come up before and Quist felt Robinson has presented evidence showing this is a good thing. Robinson stated this officer has had a take home car prior to Robinson becoming Sheriff. Pam Daly said she felt two things that were crucial in considering this issue were safety and costs. Daly said the information she has received shows the take home car program costs the County less money and is instrumental for crime prevention. Dennis McCormick asked if this is the only car that leaves the County and Robinson verified it is. Motion Johnson second Quist to refer the issue of putting a canine policy in the FOP contract to the FOP Committee and Sheriff Robinson. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hinline. Nay: None. Motion carried.

At 12:03 the Board convened as Board of Equalization, see separate minutes. Board adjourned from BOE at 12:08 and reconvened in regular session.

Doug Cook, Planning Administrator, had the following Public Hearings:

LOT SPLIT 1. Lot Split request of Robert L. MacDonald Trust, owner % Lucille MacDonald Clark, Trustee To create a 3.81-acre tract from the SW1/4 SE1/4, Section 14-Township 17 North-Range 11 East of the Sixth P.M. (address: 12448 County Road 36). Motion Quist second Clausen to concur with the Planning Commission to approve the Lot Split request of Robert L. MacDonald Trust, owner % Lucille MacDonald Clark, trustee to create a 3.81-acre tract from the SW1/4 SE1/4, Sec 14-17-11 as presented.

REZONING 2. Rezoning request of Robert L. MacDonald Trust, owner % Lucille MacDonald Clark, Trustee From A-1 Agriculture Primary to A-LSR Agriculture – Lot Split Residential, of a proposed 3.81-acre tract from the SW1/4 SE1/4, Section 14- Township 17 North-Range 11. Motion Clausen second Quist to concur with the Planning Commission to approve the Rezoning request of Robert L. MacDonald Trust, owner % Lucille MacDonald Clark, trustee from A-1 Agriculture Primary to A-LSR Agriculture – Lot Split Residential, of a proposed 3.81-acre tract from the SW1/4 SE1/4, Sec 14-17-11 as presented.

FINAL PLAT 3. Final Plat request of Benjamin Rogge.

Of Lots 1 and 2 of River Shores Subdivision, both lots greater than 10 acres in size, a subdivision of part of Tax Lot 42 in Section 29 and part of Tax Lot 23 in Section 30, Township 19 North-Range 12 East of the Sixth P.M. (general location: Riverside Lane). Ben Rogge and Richard Hansen were present and answered questions from the Board. It was noted that both proposed lots abut county Road P14 and that a private water system is available to serve the lots. Cook stated Rogge has paid Julie Ogden's fee and paid the Road Dept bill. Motion Hineline second Johnson to concur with the Planning Commission that the Final Plat request of Benjamin Rogge of Lots 1 and 2 of River Shores Subdivision, both lots greater than 10 acres in size, a subdivision of part of Tax Lot 42 in Section 29 and part of Tax Lot 23 in Section 30, T19-R12 be approved and that a school bus loop not be required per the August 4, 2010 email from Chuck Hall, Director of Transportation, Blair Community Schools. Vote- Aye: Thomsen, Clausen, Wilcox, Johnson, Abariotes and Hineline. Nay: Quist. Motion carried.

REZONING 4. Rezoning request of Benjamin Rogge

From A-1 Agriculture Primary to RA Rural Acreage, of proposed Lots 1 and 2 of River Shores Subdivision, a subdivision of part of Tax Lot 42 in Section 29 and part of Tax Lot 23 in Section 30, Township 19 North-Range 12 East of the Sixth P.M. (general location: Riverside Lane). Motion Johnson second Hineline to concur with the Planning Commission that the rezoning request of Benjamin Rogge from A-1 Agriculture Primary to RA Rural Acreage, of proposed Lots 1 and 2 of River Shores Subdivision, a subdivision of part of Tax Lot 42 in Section 29 and part of Tax Lot 23 in Section 30, Township 19 North-Range 12 East of the Sixth P.M. be approved as presented. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

OLD BUSINESS October 2010 Conditional Use Permit review:

<u>FILE #</u>	<u>APPLICANT</u>	<u>PURPOSE</u>	<u>ADDRESS</u>	<u>RECOMMENDATION</u>
04-07	Clark Volk	corn milling biosolids		APPROVE, 1 year review

Motion Abariotes second Quist to concur with the Planning Commission recommendation to approve, with a 1 year review, CUP # 04-07. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

The following correspondence had been received: Dept of Revenue July Lodging Tax = \$1,098.71, Papio-Missouri River NRD draft of the Mulit-Hazard Mitigation Plan is available for viewing on-line, letter from Wes Ehlers now with Sequoia Consulting Group, Clerk had received an updated report from NIRMA on all the County's buildings and contents/personal property. Motion Quist and second by Clausen to receive

correspondence and place on file. Vote- Aye: Thomsen, Clausen, Quist, Wilcox, Johnson, Abariotes and Hineline. Nay: None. Motion carried.

Comments from Public: Louis Lester discussed the Open Meeting Act, error in the FHP Directory and the Oct 12th minutes along with other things.

The claim for payment of the FHP Directories was not paid and will be discussed at the next meeting. The rest of the claims were received and reviewed, after which it was moved by Abariotes and seconded by Quist 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 Hineline. Nay: None. Motion carried.

GENERAL FUND

EMPLOYEES	Payroll 10-29-10	146,960.24
AMERITAS LIFE INS CORP	Retirement	10,062.24
WASHINGTON COUNTY BANK	FICA	11,242.52
AFTERNOONER'S	Training Exp	12.09
ALLTEL	Serv	147.90
B-GREEN LAWN SERVICE	Serv	465.00
PATRICK G BAXTER	Crt Appt Attny	750.00
BLACK HILLS ENERGY	Serv	8.73
BLAIR BOOK & SUPPLY CO	Supplies	184.76
BOMGAARS	Equip	13.48
BURT COUNTY SHERIFFS OFFICE	Serv	19.00
CENTEC CAST METAL PRODUCTS	Grave Markers	463.92
LAW OFFICE OF ERIC R CHANDLER	Crt Appt Attny	912.00
CITY OF BLAIR	Library Fee	50.00
CLERK OF DISTRICT COURT FILING FEES	Filing Fees	481.00
CONTROL SERVICES INC	Serv	999.85
COUNSEL OFFICE & DOCUMENT	Supplies	120.99
DEPARTMENT OF MOTOR VEHICLES	Cert Copies	18.00
DODGE COUNTY SHERIFF	Serv	7.59
DON'S PIONEER UNIFORM	Supplies	230.85
DOUGLAS COUNTY SHERIFF	Serv	39.01
DREW LAW FIRM	Crt Appt Attny	126.00
ECHO GROUP INC	Jail Lights	712.50
EGAN SUPPLY COMPANY	Supplies	250.06
LEO ESKEY LAW OFFICE	Crt Appt Attny	1,662.00
FABIAN & THIELEN	Crt Appt Attny	1,626.00
FAIRWAY OIL COMPANY	Fuel	168.33
FEDERAL MEDIATION AND CONCILIATION	Serv	50.00
FORNOFF & SCHUTT PC	Crt Appt Attny	306.00
HALL LAW OFFICES, PC LLO	Crt Appt Attny	90.00
IDEAL PURE WATER	Serv	9.63
KNUDSEN OIL & FEED	Supplies	40.20
STEPHEN J KRAVIEC PC LLO	Child Enforce	2,769.22
KUENY & BEGLEY	Crt Appt Attny	846.00
LONG'S OK TIRE STORES	Serv	15.00
KAREN MADSEN	Reimb Supplies	8.94
GAYLE E MAINE	Reimb Mileage	217.79
MCGOUGH LAW P.C., L.L.O.	Crt Appt Attny	180.00
MEMORIAL COMMUNITY HOSPITAL &	Testing	367.90
MOSER MEMORIAL CHAPEL	Serv	1,000.00
NACO	Reg Workshop	360.00
NE HEALTH & HUMAN SERVICES	Serv	90.00
NEBRASKA DEPT HEALTH & HUMAN SERV	Serv	4.75

NEBRASKA WORKFORCE DEVELOPMENT	Unemployment	2,544.00
NEXTEL	Serv	704.80
NO FRILLS SUPERMARKET INC	Jail Supplies	5,018.19
OFFICE DEPOT INC, CHICAGO IL	Supplies	176.86
OFFICE NET	Copier	317.00
OFFICE WAREHOUSE	Supplies	364.80
OMAHA PUBLIC POWER DISTRICT	Serv	908.46
ORTMEIER'S TV & APPLIANCE INC	Equip	29.99
GARY J PAVEL, CPA	Serv	325.00
PELL REPORTING	Transcript Serv	305.55
PERSONALIZED COMPUTER SERVICES	Serv	660.00
PHILLIPS 66 - CONOCO - 76	Fuel	612.40
PITNEY BOWES	Postage Machine	978.00
POSTMASTER	Treas DMV Nov	385.63
POUNDS PRINTING INC	Supplies	168.00
STAMP FULFILLMENT SERVICES	Supplies	1,060.60
STATE OF NEBRASKA	Network	98.25
STATE OF NEBR, DEPT OF CORRECT SERV	Inmate Safekeep	80.56
STORY COUNTY SHERIFF'S OFFICE	Serv	26.00
TELRITE CORPORATION	Serv	344.21
THE CLEANER CO	Supplies	640.53
THOMPSON LAW OFFICE LLC	Crt Appt Attny	3,417.00
TOWN & COUNTRY PEST CONTROL INC	Supplies	76.00
TRAVIS COUNTY CLERK	Copies	12.00
UNION COUNTY CLERK OF COURTS	Cert Copies	4.78
JIM VAN CLEAVE	Reimb Mileage	223.50
VERIZON WIRELESS	Serv	60.07
WALGREEN DRUG STORE	Photo Card	200.00
JENNIFER D WALKINGSTICK	Crt Appt Attny	1,020.00
WASHINGTON COUNTY COURT	Cert Copies	12.75
WASHINGTON COUNTY SHERIFF	Serv	76.00
DUANE WILCOX	Reimb Mileage	97.00
WOODHOUSE	Ins Deduct	541.03
ROAD FUND		
EMPLOYEES	Payroll 10-29-10	36,630.29
AMERITAS LIFE INS CORP	Retirement	2,491.62
WASHINGTON COUNTY BANK	FICA	2,923.67
ALL METRO CARPET & JANITORIAL	Serv	120.00
B'S ENTERPRISE INC	Signs	340.00
BOMGAARS	Parts	202.76
CARQUEST AUTO PARTS MO	Parts	19.99
E & A CONSULTING GROUP, INC	Engineering	2,500.00
FASTENAL COMPANY	Parts	156.11
HAWKINS CONSTRUCTION COMPANY	Spiker Bridge	362,515.10
HAWKINS CONSTRUCTION COMPANY	Bridge Co Rd 26	93,935.12
HENTON TRENCHING, INC	Trench Draining	41,165.00
HI-LINE ELECTRICAL & MECHANICAL	Supplies	59.40
INLAND TRUCK PARTS COMPANY	Parts & Labor	3,945.36
JEO CONSULTING GROUP, INC	Engineering	7,435.25
KNUDSEN OIL & FEED	Fuel	2,548.76
MARTIN MARIETTA MATERIALS	Rock	12,565.37
MEMORIAL COMMUNITY HOSPITAL &	Testing	48.30
MIDWEST SERVICE & SALES CO	Culverts	334.13
NEBRASKA IOWA SUPPLY COMPANY	Fuel	5,433.60
PEARSON OLSEN AUTO SERVICE	Parts	162.35
RICH'S WELDING, INC	Parts	17.67

PEGGY SMITH	Bridge Inspections	135.00
SNAP - ON TOOLS JUSTIN K MCGUINN	Tools	273.00
STERN OIL CO INC	Oil	3,349.38
THE CURE, INC	Supplies	19.99
WASHINGTON COUNTY HEATING & AC INC	Serv	96.95
HARDSURFACE FUND		
SCHEMMER	Engineering	542.00
E 911 FUND		
EMERSON NETWORK POWER	Serv	1,410.36
GREAT PLAINS COMMUNICATIONS INC	Serv	113.37
911 COMMUNICATIONS	Serv	5,533.00

There being no further business to come before the Board at this time, it was moved by Quist and seconded by Clausen that the meeting be adjourned until the next regular Board meeting date, Tuesday, November 9, 2010. All members present voted aye, 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 October 26, 2010 meeting of the Washington County Board of Supervisors.

Merry M. Truhlsen
Washington County Clerk