

**March 22, 2011 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, March 22, 2011 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.

Chairperson, Mary Alice Johnson declared the meeting was in session and that the meeting was being recorded. Chairperson made note that the Open Meetings Law was posted on the door and the north wall. Present: Chairperson, Mary Alice Johnson, County Board Members, Kent Clausen, Jerry Kruse, Jeff Quist, Steven Kruger, Ernest Abariotes and Ron Hine. Also present, County Clerk Merry Truhlsen and Deputy County Attorney Ed Talbot.

It was moved by Kruger and seconded by Clausen that the rules be suspended and that the minutes of the March 8, 2011 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: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hine. Nay: None. Motion carried.

The following correspondence had been received: Letter from McGrath North Attys- property owned by R&C Properties will be sold at public auction on Monday, March 28, information on Nebraska Jail Standards' Conference and State Dept of Rev, Jan lodging tax was \$908.42. Clausen motioned, seconded by Quist to receive correspondence and place on file. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hine. Nay: None. Motion carried.

Cheryl Parsons, Road Supt. did a traffic study on CR P38 & CR 39 as directed by the Board. Parsons read the traffic study. Board discussed the intersection and the recommendation to install two stop signs and remove the yield sign. Clausen motioned, seconded by Kruger to receive and accept recommendations of traffic study. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hine. Nay: None. Motion carried. Parsons read the Resolution. Kruse motioned, seconded by Clausen to adopt Resolution 2011 – 15. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hine. Nay: None. Motion carried.

**RESOLUTION NO. 2011-15**

**BE IT RESOLVED BY THE WASHINGTON COUNTY BOARD OF SUPERVISORS,  
WASHINGTON COUNTY, NEBRASKA:**

WHEREAS, the Washington County Highway Superintendent was directed by the Washington County Board of Supervisors to perform a "Traffic Study," at the intersection of County Road P38 & County Road No. 39, located in the S/E ¼ of Section 29, Township 17 North, Range 12 East, Washington County, Nebraska.

WHEREAS, The Washington County Highway Superintendent has performed the study and based upon said study, (See Attached), recommends that a **STOP SIGN** be installed on the southwest corner of the above referenced intersection controlling the east bound traffic on County Road P38, with a "STOP AHEAD SIGN placed prior to said Stop Sign.

NOW THEREFORE BE IT RESOLVED that the Washington County Board of Supervisors hereby concurs with the attached Traffic Study and approves the installation of a **STOP SIGN** based on the Highway Superintendent's recommendation at the southwest corner of the intersection located in the S/E ¼ of Section 29, Township 17 North, Range 12 East, Washington County, Nebraska.

Following the passage and publication of this Resolution, it shall be unlawful, for any person to fail, neglect, or refuse to comply with said **STOP SIGN** and the violation thereof shall be punishable pursuant to NEBRASKA STATUTE.

Passed and approved this 22<sup>nd</sup> day of March, 2011

Mary Alice Johnson, Chair Person  
Board of Supervisors  
Washington County, Nebraska

ATTEST: Merry M. Truhlsen, County Clerk

Parsons read Resolution 2011-16. Talbot suggested Parsons make note of the removal of the yield sign in the resolution. Kruger motioned, seconded by Clausen to adopt Resolution 2011-16 with the aforementioned amendment. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hineline. Nay: None. Motion carried.

### RESOLUTION NO. 2011-16

BE IT RESOLVED BY THE WASHINGTON COUNTY BOARD OF SUPERVISORS,  
WASHINGTON COUNTY, NEBRASKA:

WHEREAS, the Washington County Highway Superintendent was directed by the Washington County Board of Supervisors to perform a "Traffic Study," at the intersection of County Road P38 & County Road No. 39, located in the S/W ¼ of Section 28, Township 17 North, Range 12 East, Washington County, Nebraska.

WHEREAS, The Washington County Highway Superintendent has performed the study and based upon said study, (See Attached), recommends that a **STOP SIGN** be installed on the southeast corner of the above referenced intersection controlling the north bound traffic on County Road No. 39, with a "STOP AHEAD SIGN," placed prior to said Stop Sign with the Yield and Yield Ahead Sign to be removed from their present location.

NOW THEREFORE BE IT RESOLVED that the Washington County Board of Supervisors hereby concurs with the attached Traffic Study and approves the installation of a **STOP SIGN** based on the Highway Superintendent's recommendation at the southeast corner of the intersection controlling the north bound traffic on County Road No. 39, located in the S/W ¼ of Section 28, Township 17 North, Range 12 East, Washington County, Nebraska.

Following the passage and publication of this Resolution, it shall be unlawful, for any person to fail, neglect, or refuse to comply with said **STOP SIGN** and the violation thereof shall be punishable pursuant to NEBRASKA STATUTE.

Passed and approved this 22<sup>nd</sup> day of March, 2011

Mary Alice Johnson, Chair Person  
Board of Supervisors  
Washington County, Nebraska

ATTEST: Merry M. Truhlsen, County Clerk

Mike Blackley, Union Pacific Railroad, was back to discuss the RR crossing on Co Road 15. Blackley gave the Board a handout of statistics on the busiest railroad crossings in Nebraska and discussed the daily vehicular traffic and train count on at grade crossing locations. Board questioned how much the train traffic will increase with the double track. Brenda Mainwaring, UP, said it is hard to predict what train traffic will do in the future and stated studies done on this are only as good as the economy. Mainwaring said they anticipate 20 more trains a day when work is completed. Abe Anshasi, Nebr Dept of Roads, Public Transportation Engineer, gave a brief background of the formula used for grade separation projects. Blakeley gave the Board a new profile for the proposed crossing on County Road 15, Marshall Nursery Road. Board discussed the new design. Clausen motioned, seconded by Kruger to refer this to the Road Committee meeting on April 5<sup>th</sup>. Vote- Aye: Clausen, Quist, Johnson, Kruger, Abariotes and Hinline. Kruse abstained. Nay: None. Motion carried.

Board next discussed a request by Koley Jessen Attorneys to open a section line for a road on Lauritsen property in Section 36-19-10. Road Committee's recommendation was to take no action at this time. Clausen motioned, seconded by Quist to table this agenda item. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Roger Gilliland discussed getting informal bids regarding Courthouse building maintenance problems with the gutters and concrete. Board decided they needed to have specs drawn up and referred this to the Building and Grounds committee. Board discussed the problems with the locks in the correctional facility and that only certain locksmiths are authorized to work on them. Sheriff Mike Robinson stated he will check with other counties to see who does their repairs.

Robinson gave the Board a cost benefit analysis of the corrections kitchen and found they saved money by hiring their own cook, purchasing the food and preparing the meals.

Robinson handed out statistics on calls and cases the Sheriff's Office responded to in 2010.

Robinson asked the Board to approve the purchase of 2 new patrol vehicles. Robinson went off State bids and had information on Dodge Chargers and Chevrolet Silverado pickups. Board discussed the bids. The old cars will be used by the correctional facility and 3 vehicles will be traded in. Robinson also said the Sheriff's Foundation received a large donation to purchase two Chevrolet Tahoes for use by the K-9 Units. The Sheriff's Foundation is used for people to donate money to the Sheriff's Office and is used for purchasing equipment, training or things pertaining to the Sheriff's Office. Clausen motioned, seconded by Kruger to approve the purchase of 2 Chevrolet Silverado pickups for \$21,380 and \$22,581. Vote- Aye: Clausen, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: Kruse. Motion carried. Quist motioned, seconded by Clausen to approve financing with the Washington County Bank and authorize Chairman to sign the paperwork upon delivery. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

At 11:45 the Board convened as Board of Equalization, see separate minutes. Board adjourned from BOE at 11:50 and reconvened in regular session. Board recessed for lunch.

Chairman announced the Board would enter into a closed session regarding pending litigation - personnel matters, prevention of needless injury to an individual. Motion Kruse second Abariotes to go into closed session at 1:05 PM. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Abariotes motioned, seconded by Clausen to end closed session at 1:40 PM. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Chairman stated the reason for closed session was to discuss pending litigation – personnel matters, prevention of needless injury to an individual. Clausen motioned, seconded by Quist to hire Jerry Pigsley to represent the Board in the arbitration matters concerning the wrongful termination of Dale Johnson. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Doug Cook, Planning & Zoning Administrator had several items for the Board.

Kruger motioned, seconded by Quist to open a public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. **1. Conditional Use Permit for St. Paul Lutheran Church % Dalvin Scheer, Trustee** To allow a portable temporary classroom on Tax Lot 1, Section 26-Township 18 North-Range 9 East of the Sixth P.M. (address: 8951 County Road 9). Cook presented the Planning Commission's recommendation. There were no comments from the public. Quist motioned, seconded by Abariotes to close public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Abariotes motioned, seconded by Quist to concur with Planning Commission recommendation to approve CUP with a review in one year. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Kruse motioned, seconded by Clausen to open public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. **2. Conditional Use Permit for ATT Wireless Mobility % Dan Dunne and Sam Mandolfo** to allow a 240-foot tall self support communication tower and associated equipment shelter buildings on Tax Lot 4, Section 2-Township 17 North-Range 11 East of the Sixth P.M. (general location: east side of State Highway 133 and south side of County Road 30). Cook reported the County's cell tower regulations need revised as they are overly cumbersome. He noted this matter will be sent to the subcommittee of six. There were no comments from the public. Clausen motioned, seconded by Kruse to close public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Kruger motioned, seconded by Abariotes to concur with Planning Commission recommendation to continue this CUP. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Clausen motioned, seconded by Kruger to open public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. **3. Conditional Use Permit for Robert Wilkins & Sons % Ben Wilkins** to allow for the utilization of processed sludge cake as a fertilizer substitute and soil conditioner, such product processed and distributed by the City of Omaha wastewater treatment system, in the N1/2 SW1/4, Section 17-Township 18 North-Range 11 East of the Sixth P.M. (general location: east side of County Road 25, north of 10178 County Road 25 and south of 10588 County Road 25). Cook stated the applicant requested this be withdrawn. There were no comments from the public. Quist motioned, seconded by Kruger to close public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Clausen motioned, seconded by Quist to concur with Planning Commission recommendation that this CUP be withdrawn as per request of the applicant. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

#### OLD BUSINESS

1. March 2011 Conditional Use Permit reviews:

<u>FILE #</u>	<u>APPLICANT</u>	<u>PURPOSE</u>	<u>ADDRESS</u>	<u>RECOMMENDATION</u>
05-02	Martin Hoer	2 homes temporarily	10883 Co Rd P38A	Approve, 1 year review

Abariotes motioned, seconded by Clausen to concur with Planning Commission recommendation to approve CUP with a 1 year review. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Arlington Youth Sports is applying for a one day liquor permit at the Washington County Fairgrounds for their Annual fund raiser tractor pull on June 25, 2011. Clerk read the Resolution. Kruger motioned, seconded by Abariotes to adopt Resolution 2011-17 approving the application. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger and Abariotes. Nay: Hinline. Motion carried.

WHEREAS, Arlington Youth Sports, has filed an application for a Special Liquor Permit to dispense alcoholic beverages at the Washington County Fairgrounds, Arlington, Nebraska:

BE IT RESOLVED THAT the Washington County, Nebraska, Board of Supervisors hereby approves the application of Arlington Youth Sports, and grants permission to use the specific area designated in said application on June 25, 2011 for the hours of 12:00 o'clock PM 1:00 o'clock AM for the purpose of dispensing of the alcoholic beverages on said premises; provided however, applicant or its agents shall not enter the premises or dispense alcohol until a Release and Hold Harmless Agreement is executed and delivered in form satisfactory to Washington County and a Certificate of Insurance is on file with the Washington County Clerk showing that Applicants have a commercial general liability insurance policy with limit of liability not less than \$1 Million of combined single limit per occurrence and showing Washington County, Nebraska, as an additional insured.

PASSED, APPROVED, AND ADOPTED this 22 day of March, 2011.

Washington County Board of Supervisors  
Mary Alice Johnson, Chairman

Attest: Merry Truhlsen, County Clerk

Clerk mentioned Legislative Bill 441, which would change the levy provisions for rural fire districts. Board talked briefly about the legislative redistricting.

Clerk reported she received a list of 2011 Tax sales from County Treasurer. On March 7<sup>th</sup>, 32 bidders bought 86 properties for \$112,312.59. Hinline motioned, seconded by Abariotes to receive the list of 2011 Tax Sales from Marj Hoier, County Treasurer, and place on file. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Board discussed reports from the following committees: Finance, Bldg & Grds, Assistance, Insurance, Personnel Manual Update, FOP Negotiations, Appointed Official Evaluation Procedure, Joint Co Board/Co Planning and Road.

Steve Mencke, County Assessor had submitted a quote from Chris Poulsen for 14 days of Geographic Information System Training & Consulting Services @ \$42 per hr -(96 hrs) \$4,032.00. Quist motioned, seconded by Clausen to approve quote for GIS Training & Consulting Services with Poulsen. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

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

**GENERAL FUND**

EMPLOYEES	Payroll 3-18-11	131,388.90
AMERITAS LIFE INS CORP	Retirement	9,070.86
UNITED HEALTHCARE INS CO	Ins	40,062.59
WASHINGTON COUNTY BANK	FICA	9,234.60
WASHINGTON COUNTY BANK	Ins	7,697.50
ALLTEL	Serv	76.08
ALLTEL	Serv	69.71
ALLTEL	Serv	47.33
BLACK HILLS ENERGY	Serv	920.16
BLAIR BOOK & SUPPLY CO	Supplies	165.84
BOYDSTON LAW OFFICE LLC	Crt Appt Attny	1,764.00

TAMMI BURBACH	Reimb Supplies	16.88
CARL JARL	Serv	106.80
LAW OFFICE OF ERIC R CHANDLER	Crt Appt Attny	636.00
CONSTELLATION ENERGY	Serv	3,306.82
CONTROL SERVICES INC	Serv	42.80
DELL MARKETING LP	Supplies	399.96
DIESEL POWER EQUIPMENT CO	Serv	510.79
DODGE COUNTY	Software&Computers	2,555.00
DOUGLAS COUNTY SHERIFF	Serv	88.80
DUGAN BUSINESS FORMS	Supplies	897.99
KAY ERWIN	Serv	36.00
LEO ESKEY LAW OFFICE	Crt Appt Attny	810.00
FAIRFIELD INN & SUITES BY MARRIOTT	Workshop	231.00
FAIRWAY OIL COMPANY	Fuel	204.91
FIRST NATIONAL BANK VISA	Fuel	37.13
FIRST NATIONAL BANK VISA	Transport	7.48
FIRST NATIONAL BANK VISA	Parking	4.00
FIRST NATIONAL BANK VISA	Training Exp	485.00
FIRST NATIONAL BANK - VISA	Supplies	12.83
FIRST NATIONAL BANK VISA	Conference	269.80
FIRST NATIONAL BANK VISA	Equipment	1,054.80
FIRST NATIONAL BANK VISA	Program Fee	79.00
FIRST NATIONAL BANK VISA	Equipment	183.40
FORNOFF & SCHUTT PC	Crt Appt Attny	2,406.00
NORA H GOLL	Crt Appt Attny	2,856.00
HEALTH MART PHARMACY	Rx	61.88
IDEAL PURE WATER	Serv	9.63
J.F. AHERN CO	Inspection	480.00
JETTER'S PLUMBING INC	Serv	320.77
JOHNSON & MOCK, ATTORNEYS AT LAW	Crt Appt Attny	5,018.00
LAW OFFICE OF BRENDAN M KELLY, P.C.	Crt Appt Attny	836.40
STEPHEN J KRAVIEC PC LLO	Child Support Enf	1,384.61
KUENY & BEGLEY	Crt Appt Attny	344.00
KAREN MADSEN	Reimb WS	25.00
STEVEN MENCKE	Reimb Mileage	117.30
JANICE MILLER	Serv	36.00
MILLS LAW OFFICE	Crt Appt Attny	240.00
MOORE MEDICAL LLC	Supplies	102.70
NE HEALTH & HUMAN SERVICES	Serv	84.00
NEBRASKA ASSOC OF COUNTY OFFICIALS	Workshop	90.00
NEBRASKA LOESS HILLS, R C & D INC	Appropriations	1,200.00
NEBRASKA NOTARY ASSOC	Notaries	304.50
NEXTEL	Serv	673.68
NEXTEL	Serv	39.88
O'REILLY AUTOMOTIVE INC	Parts	83.95
OFFICE NET	Supplies	333.04
OFFICE WAREHOUSE	Supplies	89.35
OMAHA PUBLIC POWER DISTRICT	Serv	210.35
ORTMEIER'S TV & APPLIANCE INC	Supplies	5.49
SUSAN PAULSEN	Reimb Mileage	105.78
PERSONALIZED COMPUTER SERVICES	Serv	451.95
PHILLIPS 66 - CONOCO - 76	Fuel	1,002.66
POSTMASTER	Treas DMV April	581.14
CALVIN POULSEN	GIS Serv	1,008.00
POUNDS PRINTING INC	Supplies	121.00
RJ DEVELOPMENT, INC	Rental	35.00

PATRICK R RUNGE	Crt Appt Attny	3,120.00
SAUNDERS COUNTY DEPARTMENT OF SE SMITH & SONS	Serv Supplies	1,215.00 39.70
SEC OF STATE JOHN A GALE	Supplies	10.00
SIDNER, SVOBODA,SCHILKE,THOMSEN	Crt Appt Attny	3,069.00
STATE OF NEBRASKA	Program Fee	98.25
TELRITE CORPORATION	Serv	342.67
TOWN & COUNTRY PEST CONTROL INC	Serv	76.00
ADAM R TRIPP	Crt Appt Attny	660.00
MERRY TRUHLSEN	Reimb Mileage	92.41
LAW OFFICES OF KELLY HENRY TURNER	Crt Appt Attny	1,677.00
ULTRAMAX	Supplies	298.00
JENNIFER D WALKINGSTICK	Crt Appt Attny	165.00
WASHINGTON COUNTY SHERIFF	CS Serv Fees	98.80
WOODHOUSE FORD INC	Serv	63.78
<b>ROAD FUND</b>		
EMPLOYEES	Payroll 3-18-11	35,824.90
AMERITAS LIFE INS CORP	Retirement	2,418.18
UNITED HEALTHCARE INS CO	Ins	9,807.96
WASHINGTON COUNTY BANK	FICA	2,536.18
WASHINGTON COUNTY BANK	Ins	1,975.50
ALLTEL	Serv	56.63
B & D TRUCK PARTS, INC	Equip	38.00
BARCEL MILL & LUMBER INC	Lumber	290.40
CARQUEST AUTO PARTS STORES	Parts	360.77
DEEP ROCK WATER COMPANY	Serv	54.37
FAIRWAY OIL COMPANY	Fuel	168.00
FASTENAL COMPANY	Supplies	93.45
HI-LINE ELECTRICAL & MECHANICAL	Supplies	335.26
KELLY RYAN EQUIPMENT COMPANY INC	Parts	114.17
KNUDSEN OIL & FEED	Fuel	6,057.46
LOGAN CONTRACTORS SUPPLY INC	Parts	40.80
MEMORIAL COMMUNITY HOSPITAL & MIDWEST LABORATORIES, INC	Testing Serv	99.00 32.00
NEBRASKA IOWA SUPPLY COMPANY	Fuel	3,158.42
NEBRASKA MACHINERY COMPANY	Parts & Labor	19,443.92
NEBRASKA SALT & GRAIN COMPANY	Ice Control	3,188.52
OMAHA SLINGS INC	Chains	55.83
ORTMEIER'S TV & APPLIANCE INC	Supplies	14.99
POUNDS PRINTING INC	Supplies	98.00
POWERPLAN	Parts	247.84
WICK'S STERLING TRUCKS, INC	Parts	553.39
WINGATE INN	WS Exp	74.00
<b>911 ENHANCED WIRELESS SERV FUND</b>		
Q WEST	Serv	635.00
<b>E 911 FUND</b>		
MOTOROLA	Serv	2,436.13

At 2:20 PM Board recessed to visit the County Offices of the Clerk of District Court and the County Attorney. Quist and Clausen left for the day. At 2:50 PM the Board was back in session. There were no comments from the public.

There being no further business to come before the Board at this time, it was moved by Kruger and seconded by Abariotes that the meeting be adjourned until the next regular Board meeting date, Tuesday, April 12, 2011. All members present voted aye. Chairperson declared meeting adjourned.

Attest:

Merry M. Truhlsen  
Washington County Clerk

Mary Alice Johnson, Chairperson  
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 March 22, 2011 meeting of the Washington County Board of Supervisors.

Merry M. Truhlsen  
Washington County Clerk