

**July 26, 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, July 26, 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 Hinline. Also present, County Clerk Merry Truhlsen and Deputy County Attorney Ed Talbot.

Motion Kruse second Clausen to approve the agenda for July 26, 2011. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. It was moved by Clausen and seconded by Quist that the rules be suspended and that the minutes of the July 12, 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 Hinline. Nay: None. Motion carried.

The following correspondence had been received: Lodging Tax remitted for May \$616.50, letter of resignation from Donna Mahlendorf who is the Washington County representative for the Region 6 Behavioral Healthcare Advisory Board, letter from FEMA regarding the flood insurance rate map and letter from Nebr State Electrical Division clarifying inspections for flooded homes can be done by our building inspector. Later in the day, Quist read from a letter he had received from Fred and Sharon Gordon stating their hope that the railroad doesn't close the crossing on County Road 28, and submitted that as correspondence. Motion Kruse and second Clausen to receive correspondence and place on file. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

Road Dept, Cheryl Parsons discussed the Federal Fund Purchase Program Agreement and said this is the program the State will be using. Parsons read the resolution. Motion Kruse second Kruger to adopt Resolution 2011- 32. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

**RESOLUTION 2011-32**

**SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT**

**Whereas**, each year the federal government makes available to Nebraska certain federal-aid transportation funds, including funds from the Surface Transportation Program (STP) and the Highway Bridge Program (HBP) (formerly known as the Highway Bridge Replacement and Rehabilitation Program), for use on State and local federal-aid transportation projects; and,

**Whereas**, certain federal-aid STP and HBP funds have historically been made available to the LPA by the State for its use in funding federal-aid projects on the public streets or roads within its jurisdiction; and,

**Whereas:** the LPA and the NDOR wish to enter into an Agreement to provide for the purchase, at a discount, certain federal-aid dollars currently made available to the LPA.

**Whereas**, the LPA is interested in selling its available federal-aid funds to the State on the terms and conditions set out in this Agreement, including certain limitations on the use of the cash received by the LPA.

**Whereas**, the Board has reviewed the Agreement and has determined that it is in its best interest to enter into the Agreement in the attached form.

**Be It Resolved:** by the Board of Washington County that:

Mary Alice Johnson is hereby authorized to sign the attached Federal Funds Purchase Program Agreement between Washington County and the NDOR.

Adopted this 26<sup>th</sup> day of July, 2011 at Blair, Nebraska.

Washington County Board of Supervisors:

Mary Alice Johnson	Jeff Quist	Steve Kruger	Jerry Kruse
Ernest Abariotes	Kent Clausen	Ronald E Hiline	

Attest: Merry Truhlsen  
Washington County Clerk

Board discussed various flooding issues. Parsons stated they are still monitoring flood barricades and talked about the hard surfaced roads that are under water. Sheriff Mike Robinson said there is limited access to some flooded areas while other areas are still too dangerous for even limited access. Robinson said he discussed the situation with John Reeves, State Game and Parks, who agrees with the Sheriff's assessment of the situation. Doug Cook, Planning and Zoning, would like to meet with the flood sub-committee and do preliminary planning for moving people back into their homes and inspections etc. Board discussed they will need to get dirt to repair county roads.

The closed session regarding the protection of the public interest with respect to collective bargaining negotiations with the labor organization representing employees in the Sheriff's Office was postponed.

Chairman announced the Board would enter into a closed session regarding the prevention of needless injury to the reputation of an individual, personnel matters. Motion Kruger, second Clausen to go into closed session at 10:03 AM. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hiline. Nay: None. Motion carried. Motion Kruger, second Hiline to end closed session at 10:25 AM. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hiline. Nay: None. Motion carried. Chairman stated the reason for the closed session was the prevention of needless injury to the reputation of an individual, personnel matters. Chairman stated they received a recommendation from the Building and Grounds Committee. Clausen moved, seconded by Kruger to accept the recommendation of the Building & Grounds Committee to terminate the employment of Roger Gilliland effective immediately, turning keys in immediately and with two weeks severance pay. Termination shall be facilitated by the Building and Grounds Committee. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hiline. Nay: None. Motion carried. Board recessed until 11:00.

Bill Pook, Region 5/6 Civil Defense, discussed waiting for the President's response to Governor Heineman's request for major disaster declaration and other flood issues.

Clerk handed out copies of the budget which Board briefly discussed. Board talked about the resolution to allow a 1% increase to budget limit. Chairman had a handout from the State Auditor's office regarding this. Motion Clausen second Kruger to adopt Resolution 2011 – 33. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hiline. Nay: None. Motion carried.

### **RESOLUTION 2011 – 33**

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

**WHEREAS**, it is in the best interest of Washington County, Nebraska, to allow a one (1%) percent increase to the Washington County budget limit pursuant to the Nebraska Budget Act, Neb. Rev. Stat. §§ 13-518 to 13-522 (1997);

**WHEREAS**, seventy-five (75%) per cent or more of the authorized Washington County Board agrees to a one (1%) per cent increase of the budget limit as demonstrated by their signatures below, therefore be it;

**NOW, THEREFORE, BE IT RESOLVED** that Washington County, Nebraska is authorized to allow a one (1%) per cent increase to the Washington County budget limit for the year 2011-2012 pursuant to the Nebraska Budget Act.

**WHEREAS**, the Chairman of the Washington County Board of Supervisors is hereby authorized by the Board to execute the Resolution herein and the County Clerk is authorized to file said resolution.

Dated this 26 day of July, 2011  
Washington County Board of Supervisors, Washington County, Nebraska

Mary Alice Johnson, Chairman      Steven Kruger      G. Ernest Abariotes      Ronald E. Hinline  
Jeff Quist                                  Jerry Kruse                  Kent Clausen

Attest: Merry Truhlsen, County Clerk

Board discussed closing the Juvenile Services Grant Fund. Motion Kruse second Clausen to adopt Resolution 2011 - 34 closing Fund 2506 Juvenile Services Grant. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

#### **RESOLUTION 2011 - 34**

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

**WHEREAS** Washington County has the following fund: 2506 Juvenile Services Grant Fund,

**WHEREAS** Washington County Attorney has determined it is not feasible to have staff to support a separate 2506 Juvenile Services Grant Fund,

**THEREFORE**, the 2506 Juvenile Services Grant Fund will be closed as of July 31, 2011 and the County Treasurer is directed to transfer the balance of \$9,910.75 in the 2506 Juvenile Services Grant Fund to the General Fund 0100 59002.

Passed and approved this 26 day of July, 2011.

Washington County Board of Supervisors  
Washington County, Nebraska  
Mary Alice Johnson, Chairperson

Attest: Merry M. Truhlsen, County Clerk

At 11:32 the Board convened as Board of Equalization, see separate minutes. Board adjourned from BOE at 11:37 and reconvened in regular session.

Doug Cook, Planning & Zoning Administrator gave the Board an update on State building codes. At a prior meeting the Board had referred this back to the sub-committee of six. The sub-committee met and would like an understanding of what the differences are in the codes. Cook said he talked to Talbot and it clearly says in the State statutes that a political subdivision shall adopt the state building codes within 2 years of when the State adopted the codes, which would be April, 2013. Consensus of the sub-committee was to keep going with the present codes for now and discuss this further.

Doug Cook, Planning & Zoning Administrator, had the following agenda items for the Board:

**PUBLIC HEARINGS: CONDITIONAL USE PERMITS**

**1. Walter and Taraisa Groves** Request for a Conditional Use Permit to temporarily allow two single-family residences on Tax Lot 127, Section 28-Township 18 North-Range 12 East of the Sixth P.M. (address: 8802 County Road 41). Clausen moved, seconded by Quist to open public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Cook discussed the CUP. Kruse moved, seconded by Clausen, to close the public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Abariotes moved, seconded by Quist to concur with Planning Commission to approve conditional use permit with a review in one year. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

**2. Jeff and Maria Bledsoe** Request for revision to an existing Conditional Use Permit, to allow for a double-sided sign for an existing on-site business, on Tax Lot 27, Section 24-Township 17 North-Range 11 East of the Sixth P.M. (address: 3935 State Highway 133). Kruger moved, seconded by Clausen to open a public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Cook discussed the CUP. Kruse moved, seconded by Clausen to close the public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Clausen moved, seconded by Kruse to concur with Planning Commission to approve revised conditional use permit as presented. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

**3. Washington County Zoning Regulations Text Amendment**, Article 5 Districts, Section 5.03: A-1 Agricultural – Primary District, subsection 5.03.03 Conditional Uses; add the following: Distillery; and also amend the Washington County Land Use Matrix, to show a distillery as a conditional use in the A-1 Zoning District. Clausen moved, seconded by Kruse to open public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Cook stated the sub-committee is not in favor of amending the text of the Zoning Regulations, even though the Planning Commission recommended approving the amendment. Quist stated sub-committee felt a distillery should be in a commercial zoned area. Kruse moved, seconded by Quist to close public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Kruger moved, seconded by Quist to not concur with the Planning Commission to approve the text amendment. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

**4. Washington County Zoning Regulations Text Amendment** Article 2: Construction and Definitions, Section 2.03 Definition of Terms, add a definition for Distillery. Clausen moved, seconded by Quist to open a public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Cook stated since Item 3 didn't pass, Item 4 was nonapplicable. Kruger moved, seconded by Kruse to close public hearing. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried. Kruger moved, seconded by Kruse to not concur with Planning Commission, and not add a definition for distillery in the text. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

**OLD BUSINESS**

**1. June, July 2011 Conditional Use Permit reviews:**

<u>FILE #</u>	<u>APPLICANT</u>	<u>PURPOSE</u>	<u>ADDRESS \LEGAL</u>	<u>RECOMMENDATION</u>
09-05	Neale Shaner, Trustee	trailer for farm hand	4289 Sands Lane	continue to Aug 2011 mtg
10-01	John & Clara Hammon	2 houses temporarily	1691 State Highway 133	approve with review 1/2012
02-05	R. Wilkins & Sons	sludge	SW NW, 19-18-11	approve with review 7/2012

Cook discussed the conditional use permits. Quist moved, seconded by Clausen to concur with Planning Commission to continue CUP #09-05 to August; approve #10-01 with review 1/2012 and approve #02-05 with review 7/2012. Vote- Aye: Clausen, Kruse, Quist, Johnson, Kruger, Abariotes and Hinline. Nay: None. Motion carried.

The County Visitor Promotion claims will be presented at the next meeting.

There were no comments from the public.

Claims were received and reviewed, a general assistance claim to Douglas County was pulled for further clarification. Kruger moved, seconded by Kruse 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 7-22-11	151,807.27
AMERITAS LIFE INS CORP	Retirement	10,576.55
UNITED HEALTHCARE INS CO	Ins	40,346.98
WASHINGTON COUNTY BANK	FICA	10,847.50
WASHINGTON COUNTY BANK	Ins	7,628.50
ADVANCED CORRECTIONAL HEALTHCARE	Serv	2,037.49
ALAMAR UNIFORMS	Supplies	5.99
ALLTEL	Serv	73.98
ALLTEL	Serv	70.89
ARLINGTON PUBLIC LIBRARY	Allocation	1,100.00
ARMS & AMMO SPORTING GOODS	Supplies	448.50
PATRICK G BAXTER	Crt Appt Attny	720.00
BLACK HILLS ENERGY	Serv	20.25
BLAIR BOOK & SUPPLY CO	Supplies	59.47
BOYDSTON LAW OFFICE LLC	Crt Appt Attny	540.00
CARQUEST AUTO PARTS STORES	Supplies	34.78
LAW OFFICE OF ERIC R CHANDLER	Crt Appt Attny	3,336.00
CITY OF BLAIR	Water,Library Fee	557.55
CLERK OF DISTRICT COURT	Filing Fees	169.00
CONSTELLATION ENERGY	Serv	201.56
DENNIS CORDLE	Supplies	55.10
DEPARTMENT OF MOTOR VEHICLES	Serv	6.00
DOUGLAS COUNTY SHERIFF	Serv	45.95
DREW LAW FIRM	Crt Appt Attny	1,428.92
DUGAN BUSINESS FORMS	Supplies	253.26
EGAN SUPPLY COMPANY	Supplies	77.37
ENTERPRISE PUBLISHING CO INC	Subscript, Semi-Ann	122.80
FORT CALHOUN LIBRARY	Allocation	1,100.00
GALLS, AN ARAMARK COMPANY	Supplies	41.94
MARJORIE HOIER	Reimb Mileage	38.50
HOLT COUNTY SHERIFF	Serv	9.50
IDEAL PURE WATER	Serv	9.63
JOHNSON & MOCK, ATTORNEYS AT LAW	Crt Appt Attny	6,169.72
STEPHEN J KRAVIEC PC LLO	Child Support Enf	1,500.00
KUENY & BEGLEY LAW OFFICES	Crt Appt Attny	2,178.00
LANCASTER COUNTY SHERIFF	Serv	6.00
BEN LICHTAS	Serv	300.00
MCGOUGH LAW P.C., L.L.O.	Crt Appt Attny	18.00
MEMORIAL COMMUNITY HOSPITAL &	Serv	30.00
MICHAEL TODD & COMPANY INC	Supplies	330.60
MILLS LAW OFFICE	Crt Appt Attny	1,080.00
MOORE MEDICAL LLC	Supplies	158.70
MULTI-COUNTY INFORMATION &	Programing	115.00
NE HEALTH & HUMAN SERVICES	June Serv	90.00
NEBRASKA COUNTY ASSESSOR'S ASSOC	Workshop	450.00
NEBRASKA LAW ENFORCEMENT	Training	280.00
NEBRASKA NOTARY ASSOC	Co Attny	154.23
NEBRASKA PUBLIC HEALTH ENVIRO LAB	Serv	84.00
GLADYS NELSON	Transcripts	483.25
NEXTEL	Serv	739.53
NEXTEL	Serv	39.76
NO FRILLS SUPERMARKET INC	Supplies	4,728.14
OFFICE NET	Copier	131.60
OFFICE WAREHOUSE	Supplies	244.58
OMAHA DOOR & WINDOW CO INC	Serv	1,070.00
OMAHA PUBLIC POWER DISTRICT	Serv	262.59
ORTMEIER'S TV & APPLIANCE INC	Equip	49.97
OTIS ELEVATOR COMPANY INC	Serv	5,508.86

PAMIDA INC	Supplies	10.84
PERSONALIZED COMPUTER SERVICES	Serv	82.50
PHILLIPS 66 - CONOCO - 76	Fuel	736.53
PITNEY BOWES INC	Postage	1,122.48
POSTMASTER	Treas DMV Aug	605.02
SUSAN REFF LAW PC LLO	Crt Appt Attny	516.00
JOHN SAMSON	Reimb Equip	37.44
SARPY COUNTY SHERIFF	Serv	31.29
SECRETARY OF STATE	Election Supplies	10.00
SIDNER, SVOBODA,SCHILKE,THOMSEN	Crt Appt Attny	4,236.00
STAMP MAN SPECIALTIES	Supplies	61.40
STATE OF NEBRASKA	Programing	98.25
STATE OF NEBR, DEPT OF CORRECT SERV	Serv	44.74
CAROLYN STODOLA	Reimb Postage	18.30
TELRITE CORPORATION	Serv	469.65
THE CLEANER CO	Supplies	1,251.52
TOWN & COUNTRY PEST CONTROL INC	Serv	76.00
ULTRA CAR WASH	Serv	400.00
VERIZON WIRELESS	Serv	24.52
WASHINGTON COUNTY BANK	Fees	119.24
WASHINGTON COUNTY BANK	Safe Box	35.00
WASHINGTON COUNTY CLERK	Reimb Postage	9.20
WASHINGTON COUNTY COURT	Serv	8.50
WASHINGTON COUNTY WEED DEPT	Travel Exp	37.92
<b>ROAD FUND</b>		
EMPLOYEES	Payroll 7-22-11	36,545.62
AMERITAS LIFE INS CORP	Retirement	2,466.83
UNITED HEALTHCARE INS CO	Ins	9,807.96
WASHINGTON COUNTY BANK	FICA	2,591.31
WASHINGTON COUNTY BANK	Ins	1,975.50
BOMGAARS	Supplies	232.00
BRAKKAN TRUCKING	Equip Rental	2,086.38
C & R AUTOMOTIVE, INC	Parts	278.10
CMA TRUCKING	Equip Rental	1,021.05
FASTENAL COMPANY	Tools	426.39
HOTSY EQUIPMENT COMPANY INC	Parts	135.68
JEO CONSULTING GROUP, INC	Engineering	2,967.25
KNUDSEN OIL & FEED	Fuel	5,631.33
RAY & MARGARET LOGEMANN	ROW	1,500.00
MARTIN MARIETTA MATERIALS	Rock	40,281.05
MEMORIAL COMMUNITY HOSPITAL &	Testing	49.50
MENARDS - FREMONT	Shelf	39.99
METAL CULVERTS INC	Culvert	3,833.20
MIDWEST STRIPING INC	Pavement Markings	3,918.75
NEBRASKA IOWA SUPPLY COMPANY	Fuel	6,412.30
NEBRASKA MACHINERY COMPANY	Parts	2,754.38
POUNDS PRINTING INC	Supplies	120.00
SAFETY-KLEEN	Serv	401.78
SAPP BROS PETROLEUM, INC	Fuel	4,050.01
THERMO KING CHRISTENSEN	Supplies	275.12
WHITMER WELDING SUPPLIES INC	Supplies	59.75
<b>HARD SURFACE FUND</b>		
FELSBURG HOLT & ULLEVIG	Engineering	3,943.11
<b>REVOLVING LOAN FUND</b>		
MAPA	Admin Fee	3,000.00
<b>ENHANCED WIRELESS 911</b>		
GEO COMM, INC	Maintenance 1/2	1,800.00
GREAT PLAINS COMMUNICATIONS INC	Serv 1/2	56.68

**E 911 FUND**

GEO COMM, INC	Maintenance 1/2	1,800.00
GREAT PLAINS COMMUNICATIONS INC	Serv 1/2	56.69
MOTOROLA	Maintenance	265.00

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, August 9, 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 July 26, 2011 meeting of the Washington County Board of Supervisors.

Merry M. Truhlsen  
Washington County Clerk