

# Fillmore County Board Minutes



January 5, 2023

## Reorganization Meeting

The Fillmore County Board of Supervisors convened to reorganize, as required by statute, in open and public session at 9:21 a.m. on January 5, 2023, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Noel, Neiman, Graham, Sluka, Cerny, Harre, and Lightwine. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The reorganization meeting adjourned at 9:56 a.m.

### **NOMINATIONS OF CHAIRMAN**

The first order of business was the election of Chairman for the year 2023. County Clerk called for nominations for Chairman of the Fillmore County Board of Supervisors. Neiman nominated Wade Sluka and Harre seconded the nomination.

With no other nominations, Graham moved and Lightwine seconded the motion that the nominations cease for Chairman of County Board of Equalization.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The County Clerk as acting temporary Chairman declared the motion carried.

### **ELECTION OF CHAIRMAN**

Graham moved and Neiman seconded the motion to elect Wade Sluka as the Chairman of the Fillmore County Board of Equalization. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The County Clerk as acting temporary Chairman declared the motion carried and announced that Wade Sluka has been elected as Chairman of the Fillmore County Board of Supervisors and turned the meeting over to the Chairman.

### **NOMINATIONS AND ELECTION FOR VICE CHAIRMAN**

Chairman Sluka called for nominations for Vice Chairman of the Fillmore County Board of Equalization. Harre nominated Ralph Graham and Lightwine seconded the nomination.

With no other nominations, Lightwine moved and Cerny seconded the motion that nominations cease for Vice Chairman of the County Board of Equalization.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

### **ELECTION OF VICE CHAIRMAN**

Harre moved and Cerny seconded the motion to elect Ralph Graham as the Vice Chairman of the Fillmore County Board of Equalization. Upon roll call, the vote was as follows:



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Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared that Ralph Graham would be Vice-Chairman of the Fillmore County Board of Equalization.

## **NAMING OFFICIAL BANK DEPOSITORIES**

Harre moved and Graham seconded the introduction of the following resolution:

### **RESOLUTION 2023 - 01**

**BE IT RESOLVED** by the Fillmore County Board of Supervisors that the Generations Bank of Exeter, the Heartland Bank of Geneva, Shickley, Grafton, and Fairmont, the York State Bank of York and Geneva, the Cornerstone Bank of York and Geneva, the Farmers and Merchants Bank of Milligan and the First Bank of Utica – Milligan branch, are hereby designated as bank depositories and the Fillmore County Treasurer is hereby authorized to deposit funds of the County that may come into her possession into these said depositories.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the resolution adopted.

## **AUTHORIZED INVESTMENTS**

Neiman moved and Lightwine seconded the introduction of the following resolution:

### **RESOLUTION 2023 - 02**

**BE IT RESOLVED** by the Fillmore County Board of Supervisors that the County Treasurer of Fillmore County be authorized to invest the surplus funds of said county in United States Government Bonds, United States Treasury Notes, Bills or Certificates of Indebtedness maturing within two years of the date of purchase; and in Certificates of Deposit, or Money Market Savings Accounts.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the resolution adopted.

## **DEPOSIT OF SURPLUS FUNDS**

Lightwine moved and Graham seconded the introduction of the following resolution:

### **RESOLUTION 2023 - 03**

**WHEREAS**, Section 77-2318, Revised Statutes of Nebraska, provides among other things that when County funds exceed 50% of the said capital of all banks of the County, then the Treasurer, with the consent of the County Board, may deposit an amount in excess thereof, but not exceeding capital in any one bank, and

**WHEREAS**, the County Board has by resolution informed the County Treasurer of Fillmore County that all of the banks in Fillmore County have been designated as depositories for monies that the County Treasurer may have in her possession, and



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**WHEREAS**, under provisions of Section 77-2314, Revised Statutes of Nebraska, the County Treasurer shall not have a preference to any one of the banks in which she may so deposit. The County Treasurer may select one or more banks to be used for active accounts in which she may keep deposited in excess of these requirements only such funds as may be necessary for the transaction of ordinary day-to-day requirements.

**WHEREAS**, for the purpose of Section 77-2314, Revised Statutes of Nebraska, capital shall mean capital stock, surpluses, undivided profits, capital notes or debentures, and other unimpaired reserves, and

**WHEREAS**, paid up capital at Fillmore County Banks is as follows:

Cornerstone Bank	\$ 3,000,000.00
Generations Bank of Exeter	\$ 3,865,032.11
Heartland Bank of Geneva, Shickley, Grafton, and Fairmont	\$ 78,654,514.30
York State Bank & Trust Company of Geneva & York	\$ 19,959,901.64
Farmers and Merchants Bank of Milligan	\$ 18,646,462.29
First Bank of Utica – Milligan Branch	\$ 8,508,862.46

**WHEREAS**, from time to time, the County Treasurer has on hand and will have on hand for deposit, County money that should be deposited for safekeeping in excess of the amount permitted under the statute,

**NOW THEREFORE**, Be it Resolved, that the County Treasurer of Fillmore County be and hereby is, authorized to deposit in the aforesaid banks in Fillmore County during 2023, County funds in her possession in a sum equal to but not in excess of the said capital of said banks, provided that said depository bank or banks shall secure said deposits by pledges of the assets of said bank as provided in Section 77-2318, Revised Statutes of Nebraska, but shall not at any one time have in said bank County funds in excess of 90% of the bonds deposited by said bank as security plus the \$250,000.00 covered and protected by the Federal Deposit Insurance Corporation. Bonds shall be required of all banks and capital stock financial institutions for such excess deposit unless security is given in accordance with Section 77-2318.01, Revised Statutes of Nebraska.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the resolution adopted.

## CLAIMS APPROVAL

Neiman moved and Noel seconded the motion to require the approval of the officer in charge of claims for his/her office before the allowance of any and all claims. Upon roll call, the vote was as follows:

Ayes: Cerny, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## PURCHASING SUPPLIES/EQUIPMENT

Cerny moved and Lightwine seconded the motion requiring all officials (elected or appointed) when purchasing any equipment or supplies costing \$10,000.00 or more even if included in their budget to submit to the entire Board for review. All data processing equipment must be purchased through the County Clerk's office. All lease agreements, maintenance contracts, and equipment rental agreements must be reviewed and approved by the entire Board. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.



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## LEGAL NEWSPAPER AND WEBSITE

Graham moved and Lightwine seconded the motion to declare The Nebraska Signal as the legal newspaper for Fillmore County and that the Fillmore County website ([www.fillmorecountyne.gov](http://www.fillmorecountyne.gov)) be declared as an official means of publication. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Lightwine, Neiman, Noel, and Sluka  
Nays: Harre

The Chairman declared the motion carried.

## PUBLIC HEALTH BOARD

Harre moved and Lightwine seconded the motion to appoint the County Attorney, Jill Cunningham; County Sheriff, Steven Roemmich; County Clerk, Amy Nelson; County Mortician, Shaun Farmer; Chairman of the Board of Supervisors, Sluka; Emergency Manager, Jean Engle; County Board representative to Public Health Board, and Fillmore County Hospital CEO, to the Fillmore County Public Health Board for a one-year term beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## ROAD REPORTS TO SUPERVISORS

Lightwine moved and Cerny seconded the motion that the County Highway Superintendent shall inform the appropriate Supervisor of any work being done other than routine road maintenance in their district. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## REPRESENTATIVE FOR REGION V

Neiman moved and Graham seconded the motion to appoint Harre as the representative for the Region V Board beginning January 1, 2023 and ending December 31, 2023 with Graham being the alternate. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## COUNTY PHYSICIAN

Harre moved and Cerny seconded the motion to appoint the acting Hospital Chief of Staff as the County Physician. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## REPRESENTATIVE TO FILLMORE COUNTY HOSPITAL BOARD



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Lightwine moved and Cerny seconded the motion to appoint Graham as a nonvoting member to the Fillmore County Hospital Board and Neiman as the alternate beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

## **FILLMORE COUNTY DEVELOPMENT CORPORATION BOARD MEMBER**

Cerny moved and Neiman seconded the motion to appoint Sluka as a board member (voting) and Lightwine as the alternate of the Fillmore County Development Corporation beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

## **REPRESENTATIVE FOR BLUE VALLEY COMMUNITY ACTION BOARD**

Harre moved and Lightwine seconded the motion to appoint Neiman as the representative to the Blue Valley Community Action Board beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

## **REPRESENTATIVE FOR THE RC & D BOARD**

Lightwine moved and Neiman seconded the motion to appoint Cerny as the representative and Graham as the alternate to the RC & D Board beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

## **SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT**

Cerny moved and Lightwine seconded the motion to appoint Graham as the representative and Noel as the alternate to the Southeast Nebraska Development District Board beginning January 1, 2023 and ending December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

## **DEPARTMENT HEAD APPOINTMENTS**





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Graham moved and Harre seconded the motion to reappoint the following appointed department heads for one year beginning January 1, 2023: Emergency Manager, Jean Engle; Senior Services Director, Brenda Motis; and Noxious Weed Superintendent, Todd Boller. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays; None

The Chairman declared the motion carried.

## HIGHWAY SUPERINTENDENT APPOINTMENT

Graham moved and Noel seconded the motion to reappoint the Highway Superintendent, Patricia A. Halbur, #S-1499 for one year beginning January 1, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays; None

The Chairman declared the motion carried.

## SPECIAL DESIGNATED LIQUOR LICENSE

Lightwine moved and Graham seconded the motion to appoint the County Clerk as the agent to authorize special designated liquor licenses. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## CONTRACT WITH HIGHWAY 41 EXPRESS

Noel moved and Graham seconded the introduction of the following resolution:

### RESOLUTION 2023 - 04

**WHEREAS**, Kenny Harre is a member of the Board of Supervisors of Fillmore County, Nebraska;

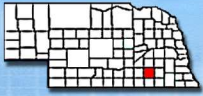
**WHEREAS**, Kenny Harre is an owner of the business operated in Milligan, Fillmore County, Nebraska under the name of Highway 41 Express; and

**WHEREAS**, the County of Fillmore on a regular basis does business with Highway 41 Express;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fillmore County, Nebraska does hereby approve the purchase of merchandise and material from Kenny Harre doing business as Highway 41 Express, and the sale by Kenny Harre of merchandise and material to the County of Fillmore on a per invoice basis in an amount not to exceed \$5,000.00, without the prior approval by virtue of a resolution passed by the Board of Supervisors of Fillmore County, Nebraska;

**BE IT FURTHER RESOLVED**, the Board of Supervisors directs that the Clerk of Fillmore County, Nebraska, maintain a separate ledger relative to any purchases made by a representative of the County of Fillmore from Highway 41 Express, or contracts for the purchase of any material, which ledger contains the following information as provided in Nebraska Revised Statute §49-14, 103.02:

- 1) Names of the contracting parties;
- 2) Nature of the interest of the officer in question;
- 3) Date that the contract was approved by the governing body;
- 4) Amount of the contract; and
- 5) Basic terms of the contract.



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Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Lightwine, Neiman, Noel, and Sluka  
Nays: None                      Abstaining due to conflict: Harre

The Chairman declared the resolution adopted.

## **CONTRACT WITH HARRE SEED AND SERVICES**

Neiman moved and Lightwine seconded the introduction of the following resolution:

### **RESOLUTION 2023 - 05**

**WHEREAS**, Kenny Harre is a member of the Board of Supervisors of Fillmore County, Nebraska;

**WHEREAS**, Kenny Harre is an owner of the business operated in Milligan, Fillmore County, Nebraska under the name of Harre Seed and Services; and

**WHEREAS**, the County of Fillmore on a regular basis does business with Harre Seed and Services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fillmore County, Nebraska does hereby approve the purchase of merchandise and material from Kenny Harre doing business as Harre Seed and Services, and the sale by Kenny Harre of merchandise and material to the County of Fillmore on a per invoice basis in an amount not to exceed \$5,000.00, without the prior approval by virtue of a resolution passed by the Board of Supervisors of Fillmore County, Nebraska;

**BE IT FURTHER RESOLVED**, the Board of Supervisors directs that the Clerk of Fillmore County, Nebraska, maintain a separate ledger relative to any purchases made by representative of the County of Fillmore from Harre Seed and Services, or contracts for the purchase of any material, which ledger contains the following information as provided in Nebraska Revised Statute §49-14, 103.02:

- 1) Names of the contracting parties;
- 2) Nature of the interest of the officer in question;
- 3) Date that the contract was approved by the governing body;
- 4) Amount of the contract; and
- 5) Basic terms of the contract.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Lightwine, Neiman, Noel, and Sluka  
Nays: None                      Abstaining due to conflict: Harre

The Chairman declared the resolution adopted.

## **NIRMA CONTACT PERSON**

Graham moved and Neiman seconded the appointment of Amy Nelson, County Clerk as the NIRMA Contact Person. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## **MILEAGE RATE**



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After discussion, Cerny moved and Lightwine seconded the motion to adopt the 2023 IRS mileage rate \$0.655 per mile, motorcycle \$0.635 per mile, and a privately-owned aircraft \$1.74 per mile, and \$0.695 per mile for the Sheriff's office to serve papers effective January 1, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## **AUTHORIZING BOARD CHAIRMAN AND COUNTY CLERK TO ACT ON BEHALF OF THE BOARD**

Neiman moved and Graham seconded the introduction of the following resolution:

### **RESOLUTION 2023 – 06**

**WHEREAS**, the County Board of Supervisors meet the second and fourth Tuesday of every month;

**WHEREAS**, the salary of all county employees are paid every other week and the payments of such salaries must be approved prior to the issuance of such pay checks; and

**WHEREAS**, although the Board shall not hold regular meetings in between the second and fourth Tuesday of every month, the activities of County government shall continue and certain claims, warrants and payment of salaries must be acted upon every other week; and

**WHEREAS**, since the salaries of the employees of the County of Fillmore are paid every other week and the County Board must approve the payment of the wages of the county employees prior to the preparation and issuance of such payments which approval by the County Board is not possible in light of the fact that the County Board only meets on the second and fourth Tuesday of every month; and

**WHEREAS**, in order to pay the wages of the employees of the County of Fillmore every other Friday, it will be necessary for at least one member of the County Board and the County Clerk to approve the issuance of the payment of wages prior to the preparation and issuance of such paychecks irrespective of whether the approval is made on the second and fourth Tuesday of every month.

**WHEREAS**, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body corporate and politic are exercised through the County Board; and

**NOW, THEREFORE, BE IT RESOLVED BY THE FILLMORE COUNTY BOARD OF SUPERVISORS THAT, PURSUANT TO THE STATUTORY AUTHORITY OF THIS** Board as set forth above, the Chairman of the Fillmore County Board of Supervisors and the Fillmore County Clerk, in between the second and fourth Tuesday of every month, are hereby authorized to prepare claims and issue warrants for the following expenditures, as this Board has previously approved such expenditures through budget approval, approval of contracts, and related processes:

1. Payroll and associated expenses;
2. Utilities;
3. Lease payments;
4. Contract and/or other installment payments which have been contracted for or authorized by action of this Board;

The aforementioned individuals have no authority to conduct County business beyond that stated above. Payments pursuant to paragraphs 1 through 4 above of this Resolution may only be made in those instances when required by law or enforceable contractual obligations. Any other action may only be undertaken by the Board either in an Emergency Meeting, when such meeting has been called or convened pursuant to Neb. Rev. Stat. §84-1411, or pursuant to a meeting convened by the County Clerk pursuant to Neb. Rev. Stat. §23-154.

The above and foregoing Resolution was duly approved by a vote of the Fillmore County Board of Supervisors at a public meeting duly held in accordance with applicable law on this 5<sup>th</sup> day of January, 2023 and shall remain enforceable until such Resolution has been revoked.





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Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the resolution adopted.

## **HOSPITAL BUILD AMERICA BONDS**

Noel moved and Graham seconded the motion to authorize the Chairman and Vice-Chairman to sign Form 8038-CP for the Hospital Build America Bonds from January 1, 2023 to December 31, 2023. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## **ADJOURNMENT OF REORGANIZATION MEETING**

As there were no other items remaining on the agenda for the reorganization meeting, Lightwine moved and Graham seconded the motion to adjourn. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman