

A regular meeting of the Fillmore County Board of Supervisors was convened in open and public session at 9:05 a.m., February 11, 2025, in the Boardroom of the Courthouse in Geneva. Notice of the meeting was given by publication in the Nebraska Signal and posted on the County Clerk's office door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Supervisors has the right to modify the agenda to include items of an emergency nature only at such public meeting. All proceedings hereafter shown were taken while in the convened meeting which was open to the attendance of the public.

The Fillmore County Board of Supervisors convened on February 11, 2025 at 9:05 a.m.

Present: Chairman: Jeff Neiman  
 Members: Larry Cerny, Ralph Graham, Kenny Harre, Mark Lightwine, Merle Noel, and Wade Sluka  
 County Clerk: Amy Nelson

Pledge of Allegiance was recited.

Chairman Neiman announced that a complete copy of the Open Meetings Act is posted on the wall in the Board of Supervisors room.

**MINUTES APPROVED**

Chairman of the Board, Neiman declared the minutes from the January 28, 2025, meeting approved as presented.

**PUBLIC COMMENT**

Chairman Neiman opened public comment period - Wade Sluka put on record that the Board would be opposing LB 216, regarding eliminating elected clerks of the district court, provide for consolidation of duties of court clerks and clerk magistrates, and change certain county employees to state employees.

**CLAIMS**

The claims were presented for payment. The following abbreviations describe the expenditures: Equip – equipment, HDM's – home delivered meals, Insur – insurance, Main – maintenance, Mtgs – meetings, Mile – mileage, Misc – miscellaneous, Post – postage, Pro – proceedings, Rep – repairs, Ret – retirement, Ser – service, SS – social security, Sup – supplies, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Amazon Capital Services	Equip, Sup	1,960.67
Andrews Electric Co., Inc.	Rep	285.60
Applied Connective Technologies	Equip, Ser	6,241.51
Axline Power Services "APS"	Ser	5,040.00
Anjanette Bauer	Ser	1,600.00
Bear Graphics, Inc.	Sup	370.08
Benchmark Government Solutions, LLC	Meals	142.40
Black Hills Energy	Uti	3,132.83
Clearlyfly	Uti	405.28
Cornerstone Bank	SS	7,206.41
Jill Cunningham	Rent	183.33
Dollar General – Regions 410526	Sup	23.00
Eakes Office Solutions	Sup	811.19
Election Systems & Software	Sup	1,622.70
Erdkamp Motors	Rep, Main	448.81
Exeter Senior Center	USDA Reim	32.90
Fairmont Aging Services	USDA Reim	157.50
Farmers Cooperative	Fuel	114.70
Fillmore County Clerk of the District Court	Fees	223.00
Fillmore County Sheriff	Fees	20.19
Fillmore County Treasurer	Misc	10.00
Geneva Senior Center Foundation	USDA Reim	461.30
Geneva Super Foods	Sup	1,504.58
Geneva Tire and Auto, Inc.	Rep, Main	936.73
Girmus Shooting	Sup	350.46
Glenwood	Uti	374.70
Hamilton County Sheriff's Office	Boarding prisoners	2,500.00
Kimberly J. Hirth	Rent	183.33
Holiday Inn Kearney	Lodging	279.90
Hometown Leasing	Ser	1,788.45
Kalkwarf & Smith Law Offices, LLC	Ser, Copies	4,125.27
Jerry Knoche	Mile	60.20
Kopchos Sanitation, Inc.	Uti	251.00
Kravec Maurstad Law, PC, LLO	Ser, Post	1,866.85
Madison National Life Insurance Co.	Insur	704.12
Mid-American Benefits, LLC	Ser	302.25
Mid-American Research Chemical	Sup	1,609.00
Midwest Card and ID Solutions, LLC	Main	2,250.00
MIPS, Inc.	Ser	3,295.30

Nebraska Association of County Clerk, Register of Deeds & Election Comm.	Dues	50.00
Nebraska Public Power District	Uti	684.21
The Nebraska Signal	Ads, Proc	1,587.12
Point C Health	Ser	550.00
PurFoods, LLC	Meals	444.36
Quadient Finance USA, Inc.	Post	700.00
Retirement Plans Division of Ameritas	Ret	7,005.59
Security Equipment, Inc.	Sup	401.14
State of Nebraska Dept of Corrections	Boarding prisoners	4,170.07
State of Nebraska – State Fire Marshall Dawn M. Stites	Ser	120.00
Thayer County Treasurer	Rent	183.33
Thumbs Up Nail Salon	Sup	314.17
TK Elevator Corporation	Sup	29.99
Unifirst Corporation	Main	1,373.58
UNL AEM Business Center	Ser	430.57
US Bank CPS	2 <sup>nd</sup> Quarter Salary	2,551.79
Brandy VanDeWalle	Sup, Wksh,	585.67
Reid Velte	Uti	139.00
Windstream	Ser	62.50
Woodward's Disposal Service, Inc.	Uti	157.38
Payroll	Ser	87.50
	Salaries	59,207.42

**ROAD/BRIDGE FUND:**

A Street Auto Parts Southwest	Sup	11.67
Auto Value Parts Stores	Part, Sup, Main	1,147.55
Beatrice Sand and Gravel	Rock	1,119.76
Black Hills Energy	Uti	1,394.93
Carquest of Geneva	Parts	235.34
City of Geneva	Uti	81.60
Heather Clark	Ser	160.00
Cornerstone Bank	SS	2,710.51
Exeter Lumber, LLC	Sup	76.09
Farmers Cooperative	Fuel	455.26
Galyen Energy Supply, LLC	Fuel	5,981.06
Geneva Tire and Auto, Inc.	Rep	377.32
Geneva Welding & Supply, Inc.	Parts, Sup	31.81
Hometown Leasing	Ser	166.36
Medical Enterprises, Inc.	Ser	108.00
MIPS, Inc.	Ser	147.20
The Nebraska Signal	Ads	171.00
NMC, Inc.	Parts, Ser, Main	10,643.08
Perennial Public Power District	Uti	170.36
Platte Valley Communications, Inc.	Parts	164.40
Power Plan	Parts	2,241.38
Retirement Plans Division of Ameritas	Ret	2,314.47
Sapp Bros, Inc. – York	Fuel	1,237.40
US Bank CPS	Parts	1,053.34
Verizon	Ser	504.30
Village of Exeter	Uti	27.15
Village of Fairmont	Uti	29.44
Village of Shickley	Uti	159.73
Payroll	Salaries	36,799.89

**REGISTER OF DEEDS PRESERVATION FUND:**

MIPS, Inc.	Ser	148.48
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**INHERITANCE TAX FUND:**

Johnson Controls	Equip, Main	13,038.50
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**911 WIRELESS SERVICE FUND:**

Andrews Electric Co., Inc.	Main	470.03
Glenwood	Uti	64.95

**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Jan taxes	12,688.37
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**CLAIMS APPROVED**

Sluka moved and Noel seconded the motion to approve the claims as presented. 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.

After review, Lightwine moved and Graham seconded the motion to approve the fee reports as submitted for January 2025:

**County Clerk \$ 30,252.23 (State \$14,497.41 & County \$15,754.82)**  
**Clerk of the District Court \$634.49**  
**County Sheriff \$1,716.44**

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.

**QUOTE FROM AXON FOR SHERIFF'S OFFICE**

After discussion, Lightwine moved and Graham seconded the motion to approve the addition to our Axon contract for body cameras and in-car cameras for the new employees and vehicles for a total of \$21,138.56. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**DISCUSSION REGARDING POSSIBLE MORATORIUM TO ALLOW FOR THE STUDY OF EXISTING ZONING REGULATIONS RELATED TO WIND ENERGY TURBINES**

Discussion regarding a possible moratorium was had between the Board members and Tyler Williams, Rex and Lynn Mussman, Diana Krupicka, Kyle Svec, Dennis Bornschlegl, and Zoning Administrator Shaundee Graham.

After discussion, Cerny moved and Graham seconded the introduction of the following resolution:

**RESOLUTION 2025 - 05**

**WHEREAS**, the County of Fillmore, Nebraska has a comprehensive development plan in place; and

**WHEREAS**, the County of Fillmore, Nebraska has zoning regulations in place which are intended to direct the location of specific uses and provide for proper separation of conflicting uses; and

**WHEREAS**, the County of Fillmore, Nebraska has seen an interest in the proposed commercial wind energy conversion turbines; and

**WHEREAS**, the Fillmore County Board of Supervisors has received significant amounts of testimony and documentation about the concerns of health, safety and welfare of current and future residents with the development of commercial wind energy systems; and

**WHEREAS**, the Fillmore County Planning Commission should be directed to review the County Comprehensive Planning and Zoning Regulations after meeting and to then make specific recommendations for changes related to this use, items to include setbacks, infrasound, health concerns, property value concerns, occupied dwelling definition, and other items pertaining to commercial wind energy systems; and

**WHEREAS**, the possibility of future applications of commercial wind energy systems is probable, the Fillmore County Board of Supervisors desires to review regulations without the possibility of new applicants coming forward during a time frame which allows consideration of appropriate wind energy systems regulations of Fillmore County and its residents; and

**NOW THEREFORE**, in consideration of the foregoing statement, the County Board of Fillmore County, Nebraska, does hereby adopt the following Resolution.

**BE IT RESOLVED** by the County Board of Fillmore County, Nebraska, that a six (6) month moratorium on accepting any new wind farm applications be hereby invoked and approved.

**BE IT FUTHER RESOLVED**, that the Board of Supervisors Fillmore County, Nebraska, hereby directs that the Fillmore County Planning Commission to review the county comprehensive plan and zoning regulations, to conduct any hearings, if necessary and to make specific recommendations for changes to the comprehensive plan and to the county zoning regulations dealing with wind energy farms before granting or recommending a conditional use permit for the construction of wind energy farms and that such recommendation shall be made within four (4) months of signing this Resolution.

**BE IT FURTHER RESOLVED**, that the said six (6) month moratorium shall become effective as of the date of the approval of this Resolution.

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.

**DISCUSSION REGARDING POSSIBLE MORATORIUM TO ALLOW FOR THE STUDY OF EXISTING ZONING REGULATIONS RELATED TO SOLAR ENERGY FARMS**

Discussion regarding a possible moratorium was had between the Board members and Tyler Williams, Rex and Lynn Mussman, Diana Krupicka, Kyle Svec, Dennis Bornschlegl, and Zoning Administrator Shaundee Graham.

After discussion, Sluka moved and Lightwine seconded the introduction of the following resolution:

**RESOLUTION 2025 – 06**

**WHEREAS**, the County of Fillmore, Nebraska has a comprehensive development plan in place; and

**WHEREAS**, the County of Fillmore, Nebraska has zoning regulations in place which are intended to direct the location of specific uses and provide for proper separation of conflicting uses; and

**WHEREAS**, the County of Fillmore, Nebraska has seen an interest in the proposed Solar Energy Farms; and

**WHEREAS**, the Fillmore County Board of Supervisors has received significant amounts of testimony and documentation about the concerns of health, safety and welfare of current and future residents with the development of Solar Energy Farms; and

**WHEREAS**, the Fillmore County Planning Commission should be directed to review the County Comprehensive Planning and Zoning Regulations after meeting and to then make specific recommendations for changes related to this use, items to include setbacks, infrasound, health concerns, property value concerns, occupied dwelling definition, and other items pertaining to solar energy farms; and

**WHEREAS**, the possibility of future applications of solar energy farms is probable, the Fillmore County Board of Supervisors desires to review regulations without the possibility of new applicants coming forward during a time frame which allows consideration of appropriate solar energy farm regulations of Fillmore County and its residents; and

**NOW THEREFORE**, in consideration of the foregoing statement, the County Board of Fillmore County, Nebraska, does hereby adopt the following Resolution.

**BE IT RESOLVED** by the County Board of Fillmore County, Nebraska, that a that a six (6) month moratorium on accepting any new solar energy farm applications be hereby invoked and approved.

**BE IT FUTHER RESOLVED**, that the Board of Supervisors Fillmore County, Nebraska, hereby directs that the Fillmore County Planning Commission to review the county comprehensive plan and zoning regulations, to conduct any hearings, if necessary and to make specific recommendations for changes to the comprehensive plan and to the county zoning regulations dealing with solar energy farms before granting or recommending a conditional use permit for the construction of solar energy farms and that such recommendation shall be made within four (4) months of signing this Resolution.

**BE IT FURTHER RESOLVED**, that the said six (6) month moratorium shall become effective as of the date of the approval of this Resolution.

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.

**OCCUPY COUNTY RIGHT-OF-WAY PERMIT**

After review, Harre moved and Lightwine seconded the motion to approve the following occupy county right-of-way permit as presented:

Nick Sudrla – install a gas line between the NE ¼, Section 1, Liberty Township to the SE ¼, Section 36 across Road G between Road 24 and Road 25, Exeter Township. The owner will cooperate fully with the officials of Fillmore County and keep them fully and immediately informed of all construction or maintenance work required in the county right-of-way.

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.

**OTHER ROAD DEPARTMENT DISCUSSION**

February 11, 2025

Assistant Highway Superintendent, Doug Motis informed the Board that the bridge located on Road Q between Road 19 and Road 20 which is currently closed has had several times where the barricades have been removed or damaged. Speece Lewis is still working on getting the bridge sized.

**DISCUSSION REGARDING FUNDING FOR RURAL TRANSIT FOR FISCAL YEAR 2025/2026 AND 2026/2027**

Ryan Bailey and Brenda Sherwin with Blue Valley Community Action Partnership were present for discussion regarding the budget for rural transit and to request additional funding for the two fiscal years.

After discussion, Harre moved and Sluka seconded the introduction of the following resolution:

**RESOLUTION 2025 – 07**

**WHEREAS**, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

**WHEREAS**, Blue Valley Community Action Partnership desires to apply for said funds to be used to provide public transportation for Fillmore County.

**NOW THEREFORE, BE IT RESOLVED:** that the Fillmore County Board of Supervisors hereby commits \$30,000.00 per year for fiscal years 2025-2027, for a total of \$60,000.00 to Blue Valley Community Action Partnership to be used as a local share in providing the matching funds to operate the Fillmore County Rural Transit Service.

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.

**ADJOURN**

As there was no other business to come before the Board, Lightwine moved and Harre seconded the motion to adjourn the meeting at 10:47 a.m. until February 25, 2025. 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.

State of Nebraska)  
County of Fillmore) ss.

I, Amy Nelson, the undersigned County Clerk of Fillmore County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal this 11<sup>th</sup> day of February 2025.

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Attest

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Chairman