

## Reorganization Meeting

The Fillmore County Board of Supervisors convened to reorganize, as required by statute, in open and public session at 9:00 a.m. on January 8, 2008, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Cerny, Kimbrough, Simacek, Mueller, Capek, Galusha, and Yates. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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. The public meetings guidelines are posted as required by law and available for public distribution is requested. The reorganization meeting adjourned at 9:35 a.m.

### ELECTION OF CHAIRMAN

The County Clerk, acted as temporary Chairman, called the meeting to order at 9:00 a.m. The first order of business was the election of a Chairman for the year 2008. Simacek nominated Mueller, Galusha seconded, and Kimbrough nominated Yates, Mueller seconded.

Cerny moved and Capek seconded the motion that the nominations cease and a ballot be cast. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The vote was tabulated by the temporary Chairman, after tabulation the vote was four for Yates and three for Mueller. The temporary Chairman declared Steve Yates to be the Board Chairman for the year 2008 and Yates assumed the chair.

### ELECTION OF VICE-CHAIRMAN

Chairman Yates asked for nominations for vice-chairman. Kimbrough nominated Capek, Mueller seconded the nomination. Simacek moved and Mueller seconded the motion that nominations cease and a unanimous ballot be cast for Capek.

The Chairman declared that Capek would be Vice-Chairman of the Board for 2008.

### NAMING OFFICIAL BANK DEPOSITORIES

Simacek moved and Mueller seconded the introduction of the following resolution:

#### **RESOLUTION 2008-01**

**BE IT RESOLVED** by the Fillmore County Board of Supervisors that the First National Bank of Exeter, the Farmers State Bank of Fairmont, the Geneva State Bank of Geneva, Shickley, and Grafton, the York State Bank of York and Geneva, the Cornerstone Bank of York and Geneva, and the Farmers and Merchants Bank of Milligan, are here by 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: Galusha, Capek, Yates, Simacek, Kimbrough, and Mueller  
Nays: None                                      Abstaining due to conflict: Cerny

The Chairman declared the resolution adopted.

### AUTHORIZED INVESTMENTS

Kimbrough moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-02**

**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 Bond, United State 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: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the resolution adopted.

### DEPOSIT OF SURPLUS FUNDS

Mueller moved and Kimbrough seconded the introduction of the following resolution:

The Chairman declared the motion carried.

As there were no other items remaining on the agenda for the reorganization meeting, Capek moved and Kimbrough seconded the motion to adjourn the reorganization portion of the meeting at 9:35 a.m. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

Regular Meeting

The Fillmore County Board of Supervisors convened in open and public session at 9:40 a.m., January 8, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 12:05 p.m.

**MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes for the December 26<sup>th</sup> and 31<sup>st</sup> Board meeting as presented.

**FEE REPORTS**

Cerny moved and Capek seconded the motion to approve the following fee reports for the month of December 2007 and 4<sup>th</sup> Quarter, the Fillmore County Rural Transit Service, and Fillmore County Treasurer's Semi-Annual report:

**County Clerk:** Dec. \$10,687.15 (State \$6,884.92 & County \$3,802.23)  
4<sup>th</sup> Quarter: \$18,797.71 (State \$12,741.77 & County \$6,055.94)  
**Sheriff:** Dec. \$828.37 and 4<sup>th</sup> Qtr. \$3,081.56

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

**CONCRETE BOX BIDS**

Bids for a concrete box culvert were opened at 9:45 a.m. The following bids were received (the difference between Alternate #1 and #2 were that the contractor would do all the dirt work):

<b><u>Bidder</u></b>	<b><u>Alternate #1 Price</u></b>	<b><u>Alternate #2 Price</u></b>
Gus Construction Co., Casey, IA	\$159,463.90	\$142,186.65
L. J. Webb Contractor, Geneva, NE	\$159,448.57	\$146,918.56
Dobson Bros. Construction, Lincoln, NE	\$187,218.67	\$176,827.57
TCW Construction, Inc., Lincoln, NE	\$180,956.30	\$169,642.80

**CONCRETE BOX LETTING**

After review of all bids by Larry Lewis, his recommendation was to accept the low bid from L. J. Webb Contractor, Inc.

After discussion, Cerny moved and Galusha seconded the motion to award the concrete box letting to L. J. Webb Contractor, Inc. of Geneva for \$159,448.57. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

**TREE REMOVAL**

Steve Hiebner of Henderson discussed the options for tree removal along his property and the County Right-of-Way. After discussion, the Board decided they would look at this location and discuss this matter at a future Board meeting.

**CLAIMS**

The claims were presented for payment. The following abbreviations describe the expenditure: 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

<b><u>GENERAL FUND:</u></b>		
Howard F. Ach, Atty.	Rent, Post, Misc.	\$3,182.69
All Around Lawn Care	Snow removal	60.00
Ameritas Life Insurance Corp.	Ret	2,668.88
Jon Anderson	Uni, Post, Misc.	158.31
Aquila	Uti	2,036.75
Axis Capital, Inc.	Ser	243.32
Blue Valley Community Action Partnership	Budget request	5,000.00
Bottorf & Maser, Atty	Ser, Mile	1,739.64
William L. Burgess	Uni, Meals, Mile, Misc.	166.45
Business World Products	Sup	290.52
Daryl L. Callenius	Uni, Meals, Misc.	169.57
Century Lumber Center	Sup	54.54
City of Geneva	Uti	114.00
Claritus	Sup	27.50
Corner Stop	Fuel	29.50
DAS Central Finance	Ser	448.00
Robert Dumpert	Mtg, Mile	59.10
Earls Window Service	Ser	5.00
Sharon Elznic	Mtg, Mile	68.28
Embassy Suites	Lodging	1,596.00
Patricia Engle	Ser	132.91
F & S Supply Co., Inc.	Sup	109.02
Fillmore County Treasurer	Post	677.42
Geneva State Bank	SS	2,799.41
Geneva TV & Appliance, Inc.	Sup	6.00
Geneva Welding & Supply, Inc.	Sup	156.40
Matt Harre	Mtg, Mile	91.56
Hometown Leasing	Ser	576.21
Steve Julich	Uni, Misc.	135.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,775.00
Lafayette Life Insurance Co.	Insur	158.65
Loup Valley Lighting, Inc.	Sup	467.52
Thomas Manning	Mtg, Mile	23.73
Mid-States Organized Crime Info. Center	Dues	100.00
MIPS, Inc.	Ser	2,204.69
Morley Most	Mtg, Mile	88.65
NE Assoc. of County Clerk, Reg. of Deeds & Election Commissioner	Dues	45.00
The Nebraska Signal	Pro, Sup, Ads	1,693.27
Neopost, Inc.	Ser	432.60
Merle Noel	Mtg, Mile	68.28
Reg Noel	Mtg, Mile	57.16
R & D Parts, LLC	Sup	22.68
Ralph's Geneva Tire & Service Center	Rep, Sup	492.02
Steven G. Roemmich	Uni, Misc.	135.00
Seiler & Parker, P. C.	Ser, Mile	1,160.89
Chad Summers	Uni, Misc.	135.00
UN-L IS Telecommunications	Uti	10.49
Brandy VanDeWalle	Meals, Mile	79.17
Windstream	Uti	214.75
Payroll	Salaries	38,749.47
<b><u>ROAD/BRIDGE FUND:</u></b>		
Action Auto Supply	Parts, Sup	64.09
Alltel	Uti	87.64
Ameritas Life Insurance Corp.	Ret	1,594.30
Aquila	Uti	925.21
CHN Capital	Parts	38.02
City of Geneva	Uti	53.80
Dorchester Farmers Coop	Fuel	1,470.00
Geneva Implement	Parts	31.61
Geneva State Bank	SS	1,699.28
Lafayette Life Insurance Co.	Insur	88.89
Lichti Oil	Fuel	4,283.29
Geneva Welding & Supply, Inc.	Parts, Sup	306.71
Micro-Trak Systems	Parts	11.37
Mike's Radiator & Tire	Parts, Rep	550.00
Nebraska Bolt	Sup	235.91
Nebraska Department of Revenue	Sales Tax	249.19
Nebraska Iowa Industrial Fasteners	Sup	94.58

		January 8, 2008
The Nebraska Signal	Ads	91.83
Nichols Construction	Gravel	11,902.62
Overland Sand & Gravel	Gravel	201.44
Perennial Public Power	Uti	105.85
Power Plan	Parts	357.15
R & D Parts	Parts, Sup	115.85
Ralph's Geneva Tire & Service	Tires, Rep	3,601.17
Shell	Fuel	2,376.88
Village of Fairmont	Uti	49.12
Village of Milligan	Uti	23.00
Payroll	Salaries	23,619.27
<b>SENIOR SERVICES FUND:</b>		
Ameritas Life Insurance Corp.	Ret	129.92
Judy Dondlinger	Ser	240.00
Geneva Senior Center	Rent, Uti, Sup	408.80
Geneva State Bank	SS	158.07
Susan Kerl	Ser	132.00
Lafayette Life Insurance Co.	Insur	9.00
JoAnn Vavra	Ser	108.00
Payroll	Salaries	2,082.13
<b>KENO GRANT FUND:</b>		
American Legion Auxiliary Unit #21	Keno Grant	560.00
American Legion Auxiliary Unit #218	Keno Grant	425.00
American Legion Post #164	Keno Grant	1,500.00
American Legion Post #218	Keno Grant	1,500.00
American Legion Post #21	Keno Grant	480.00
Beautify Geneva Committee	Keno Grant	400.00
Discover Geneva Promotion Committee	Keno Grant	1,000.00
Fairmont Aging Service	Keno Grant	430.00
Fairmont Cemetery Association	Keno Grant	1,000.00
Fairmont Public Library	Keno Grant	600.00
Fillmore Central Music Boosters	Keno Grant	730.82
Fillmore Central Speech/Drama Boosters	Keno Grant	500.00
Fillmore County EMS	Keno Grant	5,000.00
Fillmore County Health Fair	Keno Grant	700.00
Fillmore County Historical Society	Keno Grant	600.00
Fillmore County Hospital Auxiliary	Keno Grant	1,300.00
G. F. W. C. Exeter Woman's Club	Keno Grant	300.00
Geneva Activities & Education Department	Keno Grant	1,375.00
Geneva Arts Council	Keno Grant	1,500.00
Geneva Ball Player's Association	Keno Grant	1,000.00
Geneva Volunteer Fire Department	Keno Grant	1,000.00
Grace Lutheran Cemetery Auxiliary	Keno Grant	700.00
Milligan Volunteer Fire Department	Keno Grant	2,500.00
Ohiowa Chamber of Commerce	Keno Grant	1,500.00
South Central NE Visually Impaired Peer Support	Keno Grant	1,000.00
Strang Country Cousins 4-H Club	Keno Grant	2,000.00
<b>HOSPITAL OPERATING FUND:</b>		
Fillmore County Hospital	Dec. Taxes Collected	13,862.75
<b>NOXIOUS WEED FUND:</b>		
Ameritas Life Insurance Corp.	Ret	77.90
Geneva State Bank	SS	88.29
Lafayette Life Insurance Co.	Insur	1.36
Payroll	Salaries	1,154.12

**CLAIMS APPROVED**

Kimbrough moved and Galusha seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, and Simacek  
Nays: None                      Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

**DONATION**

The Fillmore County Foundation received two donation checks in the month of December. William and Joan Sloan donated \$15,000.00 in memory of William's parents William & Esther Sloan and grandparents Charles H. & Emma Sloan for renovations in the Courtroom. John and Dori Samson donated \$100.00 in memory of Alice Dawson Podoyl and Leonard Podoyl.

### **VISITOR'S COMMITTEE**

The Board received a resignation letter from Ron Isley effective December 21, 2007 for the visitor's committee. Wanda Overton from the Budget Host Inn expressed interest to the Board at a previous Board meeting.

Cerny moved and Galusha seconded the motion to appoint Wanda Overton to the visitor's committee to fill Ron Isley's term beginning January 2008 and ending May 31, 2009. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried.

### **ADDING PLEDGED SECURITIES**

Kimbrough moved and Mueller seconded the introduction of the following resolution:

#### **RESOLUTION 2008-04**

**RESOLVED**, that the Geneva State Bank of Geneva, Nebraska, be allowed to add the following security held by The Kansas Bankers Surety Company, of Topeka, Kansas to-wit:

Bond #DG 1229 NE167 for \$500,000.00

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the resolution adopted.

### **VAUCK SUBDIVISION**

Planning Administrator, Geraldine Daniels submitted a plat for the Vauck Subdivision, located in the NE ¼, Section 19-8-4, Grafton Township.

After discussion, Galusha moved and Capek seconded the motion to approve the Vauck Subdivision as follows:

A tract of land comprising a part of the NE ¼, of Section 19, Township 8 North, Range 4 West of the 6<sup>th</sup> P. M., Fillmore County, Nebraska, described as follows: beginning at the NE corner of said NE ¼, and assuming the north line of said NE ¼ to have a bearing of S89°57'48"E; thence S00°07'30"E, and on the east line of said NE ¼, 1,313.46 feet to the SE corner of the NE ¼ NE ¼; thence N89°57'47"W, 272.26 feet to a ¾" rebar w/cap; thence N01°12'36"E, 1,313.73 feet to a ¾" rebar w/cap on the north line of said NE ¼; thence S89°57'48"E, and on the north line of said NE ¼, 241.65 feet to the point of beginning and containing 7.75 acres more or less of which 1.15 acres more or less is occupied by County Road R.O.W.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

### **TOWER SPACE**

Horizon Christian Fellowship informed the County Clerk that they would not be using or renting space on the tower, because they were selling to a Nebraska company. The Board directed the County Clerk to discuss this with the County Attorney.

### **TOWNSHIP BONDS**

Mueller moved and Galusha seconded the motion to approve the following bonds for the different townships for a term beginning January 7, 2008 and ending January 7, 2009:

Glengary Township – Roger Pribyl and Henry Rohla Jr.  
Franklin Township – Galen Niederklein, Morley Most, and Galen Dunse  
Geneva Township – James Oberlander, Larry Biester, and Charlie Allgood  
Chelsea Township – Clarence Nun Jr., Jerry Engle, and Kent W. Myers  
Exeter-Fairmont Township – Donald Bristol, Sterling J. Dyer, and Larry L. Cudaback  
Madison Township – Tom D. Manning, Douglas Hafer, and Tom Novak  
Stanton Township – Russ Kleinschmidt, Bridgette Flohrs, and Gary Kimbrough  
Bennett Township – Don A. Griess, Richard Hoarty, and Robert Fessler  
West Blue Township – Elden Luethke, John Lowe, and Bill Softley

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**ADJOURNMENT**

Agenda items “Occupy County ROW permits and CISDA Board appointment” were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Kimbrough seconded the motion to adjourn until 9:00 a.m. on January 22, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman



The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., January 22, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 1:50 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the January 8<sup>th</sup> reorganization and regular meeting as presented.

EMPLOYEE RECOGNITION PARTY

After discussion, Mueller moved and Kimbrough seconded the motion to invite all elected and current hourly or salary employees to the annual employee recognition party. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, Yates  
Nays: None

The Chairman declared the motion carried.

CLAIMS

The claims were presented for payment. The following abbreviations describe the expenditure: 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

<b>GENERAL FUND:</b>		
Alltel	Uti	\$578.16
Ameritas Life Insurance Corp.	Ret	2,775.14
Aramark Uniform Services, Inc.	Ser	428.11
Larry Cerny	Mile	681.43
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	528.00
County Assessors’ Assoc. of Nebraska	Meal	20.00
Duckwall – Alco Stores, Inc.	Sup	64.95
Eakes Office Plus	Sup	470.18
Executive Copier Services	Sup	56.51
Fillmore County Treasurer	Transfers, Interest	183,312.02
First Concord Benefits Group, LLC	Ser	33.00
Galls	Sup	85.71
Gambles	Sup	45.01
The Garbage Co., Inc.	Ser	139.80
Geneva State Bank	Ser, Sup, SS	3,002.28
Geneva Super Foods	Sup	257.68
Norma Gregory	Ret	25.00
Hastings Tribune	Ad	118.08
Barbara (Erdkamp) Hein	Ret	96.00
Hilty’s of Geneva	Sup	284.94
Hometown Leasing	Ser	128.44
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,535.73
Stephen J. Kraviec	Ser, Post	1,693.65
Lease Consultants Corp.	Ser	249.00
Maximus, Inc.	Ser	2,537.50
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Sup	11.56
Bob Mueller	Meals, Mile	226.95
Rich Mueller / Thomas Biegert	Rent	625.00
Nebraska Public Power District	Uti	811.65
Nebraska Sheriff’s Association	Dues	120.00
O’Keefe Elevator Company, Inc.	Sup	9.00
Elaine Pavlish	Ret	84.00
Vernon Pearson	Ret	48.00
Platte Valley Communications of Grand Island	Sup	20.00
Platte Valley Communications of Hastings	Sup, Ser	342.10
Region V Services	Budget request	2,952.25
Saline County Treasurer	Bailiff	5,775.56
Secretary of State – Election Division	Sup, Wksh	60.00
Shell Fleet Plus	Fuel	2,426.66

		January 22, 2008
Lee Bauer Smith	Ret	108.00
State of Nebraska DAS Central Finance	Ser	42.10
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
Deanna Strothkamp	Ret	72.00
Luetta Strothkamp	Ret	96.00
Mary C. Tesar	Ret	24.00
Thayer County Treasurer	Subscription	1,480.05
Bea Vavra	Ret	84.00
Carol Vejraska	Ret	23.08
Gary Wagner	Uni, Misc.	135.00
Weaver Pharmacy	Sup	20.67
Williams Exterminating, Inc.	Ser	110.00
Windstream	Ser	1,163.49
York News – Times	Ad	167.35
Payroll	Salaries	40,241.41
<b>ROAD / BRIDGE FUND:</b>		
Ameritas Life Insurance Corp.	Ret	1,571.35
Andrews Electric Co., Inc.	Parts	6.71
Auto Glass Center	Rep, Sup	172.00
Auto Value Parts Stores	Parts, Sup	625.23
Casey's General Store	Fuel	70.84
Century Lumber Center	Sup	80.86
Dorchester Farmers Coop	Fuel, Sup, Rep	4,243.90
Filter Care of Nebraska	Parts	18.75
Gambles	Sup, Rep, Parts	103.74
The Garbage Company	Ser	67.32
Geneva State Bank	SS	1,673.28
Dale Goeking	Ret	96.00
Ralph Gould	Ret	18.00
Grafton Oil	Fuel	1,189.92
Hilty's of Geneva	Sup	19.37
Ronald Isley	Ret	103.86
Nolan James	Ret	12.00
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel, Sup, Parts	6,265.21
Matt Friend Truck Equipment	Parts	33.00
Midwest Service & Sales	Parts	718.00
Nebraska Assoc. County Engineers, Supt.	Dues	145.00
Nebraska Public Power District	Uti	297.81
NMC, Inc.	Parts, Sup	1,739.78
Platte Valley Communications of Grand Island	Parts	8.76
Platte Valley Communications of Hastings	Rep	1,430.00
Roit Repair	Rep	14.14
Tools Renewed, Inc.	Parts	384.96
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Village of Ohiowa	Uti	20.00
Wick's Sterling Truck	Parts	52.96
Windstream	Uti	113.70
Donald D. Wittmack	Ret	12.00
Payroll	Salaries	23,279.10
<b>ECONOMIC DEVELOPMENT – TOURISM FUND:</b>		
Bubba's Anytime Café	Misc.	25.00
<b>INSTITUTIONS FUND:</b>		
State of Nebraska, Health & Human Services	Dec. Patient Care	408.00
<b>SENIOR SERVICES FUND:</b>		
American Society on Aging	Wksh	530.00
Ameritas Life Insurance Corp.	Ret	129.92
Dawg's Smokehouse Café	HDM's	110.50
Exeter Care Center	HDM's	208.00
Geneva State Bank	SS	165.65
Jeannine Krejci	Ser	72.00
Elizabeth Mattox Manning	Ser	132.00
Ron's Tavern	HDM's	330.50
Shell Fleet Plus	Fuel	33.41
Rhonda Stokebrand	Mile, Sup	17.97
JoAnn Vavra	Ser	120.00
Payroll	Salaries	2,181.02
<b>KENO GRANT FUND:</b>		
Exeter Ball Association	2008 Grant funds	1,325.00

		January 22, 2008
Geneva Lodge #79 Masons	2008 Grant funds	1,000.00
<b><u>NOXIOUS WEED FUND:</u></b>		
Alltel	Uti	38.09
Ameritas Life Insurance Corp.	Ret	84.99
Gaylord Craddock	Mile	49.47
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	130.75
Frances Heinrichs	Mile	49.47
Ron Isley	Mile	25.22
Nebraska Weed Control Association	Dues	106.00
Tim Schepers	Mile	7.76
Payroll	Salaries	1,709.12
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
CDW Government, Inc.	Equip	348.03
Nebraska Public Power District	Uti	123.51
Windstream	Uti, Sup	1,019.61

**CLAIMS APPROVED**

After discussion, Cerny moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**REPLACING PLEDGE SECURITY**

Mueller moved and Simacek seconded the introduction of the following resolution:

**RESOLUTION 2008-05**

**RESOLVED**, that the First National Bank of Exeter of Exeter, Nebraska, be allowed to substitute the following security held by the Midwest Independent Bank:

Cusip #3128X5XA1 in the amount of \$400,000.00

and that the following security be substituted with Midwest Independent Bank:

Cusip #3133XMGL9 in the amount of \$400,000.00

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the resolution adopted.

**SAFETY COMMITTEE**

After discussion, Kimbrough moved and Galusha seconded the motion to appoint Daryl Callenius to the safety committee to fulfill Steve Julich's term ending December 2008. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**PUBLIC HEARING FOR 1 TO 6 YEAR PLAN**

After discussion, Capek moved and Kimbrough seconded the motion to approve the public hearing on February 12<sup>th</sup> at 9:45 a.m. for the one to six year plan. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**ONE YEAR COUNTY ROAD'S WORK LIST**

After discussion, Cerny moved and Galusha seconded the motion to approve the one year County Road's work list. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha

Nays: None

The Chairman declared the motion carried.

**UTILITY AGREEMENT**

After discussion, Simacek moved and Mueller seconded the motion to approve the utility agreement with Perennial Public Power District to relocate three power poles for the Geneva North bridge project, estimated cost is \$15,354.67. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

**LOWERING SPEED LIMIT**

After discussion, Simacek moved and Mueller seconded the introduction of the following resolution:

**RESOLUTION 2008-06**

In accordance with the standards set forth in the Manual for Uniform Traffic Control Devices, as from time to time amended, and

**WHEREAS**, it is in the best interest of Fillmore County, Nebraska to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following location:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
40 mph SPEED ZONE sign	starting at the intersection of County Road F and South 6 <sup>th</sup> Fairmont Ave to the Village of Fairmont's 30 mph speed zone

**NOW THEREFORE**, Be it Resolved by the Fillmore County Board of Supervisors that this resolution is approved this 22<sup>nd</sup> day of January, 2008.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the resolution adopted.

**OCCUPY RIGHT-OF-WAY PERMITS**

After discussion, Cerny moved and Mueller seconded the motion to approve the changes to the "Occupy Right-of-Way" permit requiring items crossing the roadway to be bored under the roadway. It is also recommended that the holes dug for the boring process should be located in the private right-of-way. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, and Yates  
Nays: Capek and Simacek

The Chairman declared the motion carried.

**APPRAISER & NEGOTIATOR FOR PROPERTY ACQUISITIONS**

After discussion, Mueller moved and Simacek seconded the motion to approve the Highway Superintendent to be the appraiser and negotiator for property acquisitions of less than \$10,000.00. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**COURTHOUSE REPAIRS**

After discussion with Dennis Heil, he will review the repairs that need to be done with the gutters on the Courthouse. When the weather warms up, Dennis will give the Board an estimate for these repairs.

**INHERITANCE TAX**

Deputy County Attorney, Howard Ach informed the Board that he would like the Clerk's office to give him a listing of all trusts and life estate deeds filed in the Clerk's office each month to allow him to know this information when estates are closed so that the County does not miss collecting inheritance tax.

**CBC SUBDIVISION**

Planning Administrator, Geraldine Daniels submitted a plat for CBC Subdivision, located in the SE ¼, Section 17-8-4, Grafton Township.

After discussion Galusha moved and Capek seconded the motion to approve the CBC Subdivision as follows:

A tract of land located in the SE ¼, Section 17, Township 8 North, Range 4 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, more particularly described as follows: commencing at the NE corner said SE ¼ thence S00°08'17"W (assumed bearing) along the east line said SE ¼ a distance of 486.49 feet to the place of beginning; thence S00°08'17"W along said east line a distance of 322.00 feet; thence S86°18'45"W a distance of 607.67 feet; thence N01°46'21W a distance of 300.00 feet; thence N41°46'04"E a distance of 74.31 feet; thence N89°24'51"E a distance of 567.00 feet to the place of beginning, containing 4.73 acres of which 0.24 acres contained in the east 33.00 feet thereof is presently being used as a public road.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**GIS WEBSITE**

County Assessor, Joan Ackland gave a presentation to the Board in regards to the new GIS Website. This website will give information from the Assessor's office regarding parcels of land in Fillmore County. The website is Fillmore.assessor.gisworkshop.com.

**ADJOURNMENT**

Agenda items "County Right-of-way and CISDA Board appointment" were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Capek seconded the motion to adjourn until 9:00 a.m. on February 12, 2008. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None                                      Absent: Mueller

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., February 12, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 12:08 p.m.

#### **AGENDA APPROVED**

Cerny moved and Simacek seconded the motion to approve the agenda for this meeting. Upon roll call, the vote was follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the January 22<sup>nd</sup> Board meeting as presented.

#### **ZONING PERMITS**

Zoning Administrator, Geraldine Daniels informed the Board that the zoning regulations needed to be changed to set a fine for individuals not obtaining a zoning permit prior to starting a project. The Zoning Board will hold a hearing in regards to this on March 17<sup>th</sup> and the County Board will hold a hearing on March 25<sup>th</sup> at 10:30 a.m. to change the zoning regulations.

After discussion, Cerny moved and Mueller seconded the motion to set the preliminary fine for non-compliance of obtaining a zoning permit of a \$100.00 per occurrence/day. Upon roll call, the vote was as follows:

Ayes: Yates, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: Simacek

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Galusha moved and Capek seconded the motion to approve the following applications for driveway permits:

4M Farms – to replace an existing driveway and extend to 40' on the south side of the SW ¼, Section 32-6-2, Chelsea Township;  
JAG Farms – to install a new 40' driveway on the south side of the SE ¼, Section 32-8-4, Grafton Township.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **UTILITY RELOCATION AGREEMENT FOR GENEVA NORTH**

After discussion, Galusha moved and Cerny seconded the motion to approve the utility relocation agreement for the Geneva North bridge project with Nebraska Public Power District for an estimated cost of \$66,056.00. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **PUBLIC HEARING ON ONE AND SIX YEAR PLAN**

The public hearing on the One and Six Year Plan was opened at 9:45 a.m., as advertised.

#### **STORAGE SHED**

After discussion, the Board requested that Highway Superintendent, Elmer Hessheimer inform the City of Geneva that the County would like to proceed with the storage shed, cost would be split 50/50. The Board would also like to see the purchase of the building go through the bidding process.

## **CLOSE HEARING ON ONE TO SIX YEAR PLAN**

The Chairman declared the public hearing on the One to Six Year Plan closed at 10:10 a.m. No one appeared to testify either for or against the proposal.

### **ONE & SIX YEAR PLAN**

Kimbrough moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-07**

Accepting the One (1) and Six (6) year highway improvement program for the County of Fillmore, Nebraska.

**BE IT RESOLVED** by the Chairman and Supervisors of Fillmore County that:

It is hereby found and determined that:

- (1) The program for distribution of the Highway Allocation Funds provides additional funds to counties for road related maintenance and construction.
- (2) In order to qualify for said funds the County must, among other things, prepare an annual One (1) and Six (6) Year Program for highway improvements, conduct a local public hearing and submit the results to the Board of Public Roads Classification and Standards.
- (3) The County of Fillmore, Nebraska does hereby adopt the 2008-2009 One (1) and Six (6) Year Program as proposed by the Fillmore County Highway Superintendent.

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the resolution adopted.

### **CHANGE CURRENT BONDS**

Tyler Williams with Edward Jones informed the Board that if we combined the two bond issues (Courthouse and Road Bonds) the County could save approximately \$147,000.00, due to drop in interest rates.

After discussion, Mueller moved and Simacek seconded the motion to approve the combination of the two bond issues at an average interest rate of 3.618%, a savings of approximately \$147,000.00, and allow the Chairman to sign the required documents. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

### **ADMINISTRATIVE CONTRACT WITH SENDD**

After discussion, Kimbrough moved and Mueller seconded the motion to approve the administrative contract with Southeast Nebraska Development District (SEND) for the countywide housing market study through the Community Development Block Grant (CDBG) for a fee of \$1,200.00. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

### **FISCAL YEAR 2006-2007 AUDIT REVIEW**

Ron Willnerd with Contryman Associates presented the fiscal year 2006-2007 audit review with the Board.

### **ZONING BOARD MEMBERS**

Simacek moved and Galusha seconded the motion to appoint Marvin Nadherny to fulfill Ralph Kassik's term ending June 30, 2010 and Mark Morgan to fulfill Cindy Slocum's term ending June 30, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### **CISDA BOARD MEMBER**

Cerny moved and Mueller seconded the motion to appoint Jill Schmidt to the CISDA Board to replace Brenda Slater beginning February 2008 and ending May 31, 2009. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

### RC & D BOARD

Kimbrough moved and Capek seconded the motion to appoint Larry Cerny and alternate Patt Lentfer to the Trailblazer Resource Conservation and Development Board beginning February 2008 and ending January 31, 2009. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### GENERAL FUND:

Howard F. Ach	Rent, Post, Sup	\$3,273.94
Action Auto Supply	Sup	4.57
Adams County Sheriff	Ser	16.00
All Around Lawn Care	Ser	60.00
Ameritas Life Insurance Corp.	Ret	2,726.05
Jon Anderson	Uni, Post	48.22
Andrews Electric Co., Inc.	Rep	52.00
Aquila	Uti	2,578.03
Aramark	Ser	355.68
Axis Capital, Inc.	Ser	243.32
Biegert Construction Company	Rep	38.00
Blue Cross/Blue Shield of Nebraska	Insur	17,505.88
William L. Burgess	Uni	35.00
Business World Products, Inc.	Sup	385.59
Daryl L. Callenius	Uni, Meals, Fuel	67.96
Helen Cellar	Spelling Contest	50.00
Century Lumber Center	Sup	25.99
City of Geneva	Uti	111.10
Clay County Sheriff's Dept.	Boarding Prisoners, Ser	165.40
Contryman Associates, P. C.	Audit	2,150.00
Corner Stop	Fuel	299.50
Jan Cotner	Spelling Contest	45.00
Crossroads Awards	Spelling Contest	82.00
Dept of Admin. Services	Ser	448.00
Dell Marketing, L. P.	Sup	377.98
Drummond American Corp.	Sup	22.66
Duckwall – Alco Stores, Inc.	Sup	122.29
Eakes Office Plus	Sup, Ser	802.50
Earls Window Service	Ser	5.00
Evening With Friends	Employee Recognition Party	1,137.47
Fillmore County Treasurer	Transfer, Post,	39,640.05
Galls	Sup	117.97
The Garbage Co., Inc.	Ser	139.80
Germer, Murray, & Johnson	Ser, Mile	995.16
Geneva State Bank	SS	2,850.82
Geneva Super Foods	Sup	135.66
Hebron Journal Register	Ad	5.25
Hometown Leasing	Ser	704.65
Jim's Repair	Rep, Sup	33.50
Steve Julich	Uni	35.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,140.00
Stephen J. Kraviec	Ser, Post	1,690.94
Kustom Signal's Inc.	Sup	182.28
Lafayette Life Insurance Co.	Insur	158.65
Terry Marshall	Sup	49.99
Mid-American Research Chemical	Sup	180.00
Mike's Radiator & Tire	Rep	10.00
MIPS, Inc.	Ser	2,602.69
Nebraska Assoc. of County Officials	Wksh	225.00
The Nebraska Signal	Pro, Ad, Sup	1,481.66
Nebraska State Bar Assoc.	Wksh	250.00
Amy Nelson	Mile	16.00



February 12, 2008

Sherri Nun	Spelling Contest	100.00
Platte Valley Communications	Sup	19.95
Ralph's Geneva Tire & Service Center	Rep, Sup	63.30
Steven G. Roemmich	Uni	35.00
Secretary of State Rules & Reg.	Sup	40.00
Seward County Sheriff	Ser	28.91
State of Nebraska Public Health Envir.	Ser	214.14
Carol Strothkamp	Spelling Contest	50.00
Chad Summers	Uni	35.00
Thayer County Court	Ser	3.25
Trailblazer RC & D	Dues	100.00
UN-L IS-Telecommunications	Uti	12.42
Gary Wagner	Uni	35.00
Windstream	Uti	214.35
York County Court	Ser	2.50
York County Sheriff's Office	Ser, Mile	15.50
Payroll	Salaries	39,727.07

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts, Sup	31.29
Alltel	Uti	88.45
Ameritas Life Insurance Corp.	Ret	1,570.69
Aquila	Uti	1,403.77
Auto Value Parts Stores	Parts, Sup	803.81
Barco Municipal Products	Parts	578.26
Blue Cross/Blue Shield of Nebraska	Insur	10,812.45
Casey's General Store	Fuel	74.27
Chaney Chemical	Sup	144.00
Century Lumber Center	Parts, Sup, Rep	218.79
City of Geneva	Uti	56.90
Corner Stop	Fuel	1,889.58
Don's Signs	Sup	135.85
Dorchester Farmers Coop	Fuel, Rep, Sup	1,121.45
Drummond American	Sup	96.83
Farm Plan	Sup, Parts	590.28
Fillmore County Shop	Post, Misc.	23.92
Filter Care of Nebraska	Parts	146.60
Friesen Chevrolet, Inc.	Parts	110.89
The Garbage Company	Ser	67.32
Geneva State Bank	SS	1,672.53
Geneva Welding & Supply, Inc.	Parts, Sup, Rep	187.09
Grafton Oil	Sup	1,068.10
Elmer Hessheimer	Misc	30.40
Hilty's of Geneva	Sup	9.14
Jill's Sweet Shop	Misc.	27.00
Lafayette Life Insurance Co.	Insur	88.89
Lichti Oil	Fuel, Sup, Parts	11,844.31
Matt Friend Truck Equipment	Parts	87.85
Michl Service	Fuel	134.01
Micro-Trak Systems	Parts	80.94
Mike's Radiator & Tire	Rep	10.00
Nebraska Iowa Industrial Fasteners	Sup	156.82
Newman Traffic Signs	Sup	310.79
Nichols Construction	Gravel	2,822.92
NMC, Inc.	Parts	13,503.96
Perennial Public Power	Uti	138.11
Platte Valley Communications	Parts	15.11
Power Plan	Parts	496.17
R & D Parts	Parts, Sup	143.84
Ralph's Geneva Tire & Service	Sup, Rep	500.22
Shell	Fuel	159.71
Superior Deshler, Inc.	Fuel	46.95
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	51.42
Village of Grafton	Uti	21.07
Weaver Pharmacy	Sup	10.06
Weldon Industries	Parts	15.54
Payroll	Salaries	23,269.50

**ECONOMIC DEV. – TOURISM:**

S.E. Nebraska Tourism Council	Dues	25.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	129.92
Janet Bartak	Mile	26.26
Blue Cross/Blue Shield of Nebraska	Insur	1,029.76
Jan Bright	Sup	30.43
Dawg's Smokehouse Café	HDM's	266.50
Judy Dondlinger	Ser	156.00

Exeter Senior Center	LAAA	250.00
Fairmont Aging Services	LAAA	1,646.00
Geneva Senior Center	LAAA, Rent, Sup, Uti	2,240.56
Geneva State Bank	SS	163.92
Susan Kerl	Ser	156.00
Jeannine Krejci	Ser	120.00
Lafayette Life Insurance Co.	Insur	9.00
Elizabeth Mattox Manning	Ser	144.00
Brenda Motis	Mile	114.13
Rhonda Stokebrand	Mile	11.36
Nebraska Assoc. of Senior Centers	Dues	20.00
Ron's Tavern	HDM's	363.00
Payroll	Salaries	2,158.54

Fillmore County Treasurer	Soldiers & Sailors fund	2,000.00
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Fillmore County Treasurer	Quarterly return	204.05
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Fillmore County Hospital	January taxes	2,958.03
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Alltel	Uti	37.98
Ameritas Life Insurance Corp.	Ret	77.90
Blue Cross/Blue Shield of Nebraska	Insur	514.88
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	88.29
Lafayette Life Insurance Co.	Insur	1.36
State of Nebraska Dept. of Ag.	Misc.	90.00
Payroll	Salaries	1,154.12

Andrews Electric Co., Inc.	Rep	107.00
CDW Government Inc.	Equip	489.33
Wahltek, Inc.	Equip	880.00
Windstream	Uti	120.00

After discussion, Mueller moved and Kimbrough seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Simacek, and Kimbrough  
Nays: None Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

Agenda items “Township Government and Supervisor Voting Machines” were tabled until a future Board meeting. As there were no other items to come before the Board, Capek moved and Cerny seconded the motion to adjourn until 9:00 a.m. on February 26, 2008. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., February 26, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:38 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the February 12<sup>th</sup> Board meeting as presented.

#### **REPORTS**

Mueller moved and Cerny seconded the motion to approve the fee reports for the month of January 2008:

**Clerk:** \$8,658.25 (State \$5,132.34 & County \$3,525.91)  
**Sheriff:** \$878.37

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

#### **DITCH CLEANING PERMIT**

Simacek moved and Capek seconded the motion to approve the following application for a permit to clean silt from the road ditch:

Reinco – to clean silt from the road ditch adjoining the south side of the SW ¼, Section 33-7-2, Madison Township.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Kimbrough moved and Cerny seconded the motion to approve the following application for a permit to occupy county right-of-way:

Hendrickson Brothers – to bury an electric line between the NE ¼, Section 8 and the NW ¼, Section 9-5-4, Bryant Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **CLOSED SESSION**

Simacek moved and Mueller seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session possible litigation items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried and requested that the Deputy County Attorney, Tim Baxter, Highway Superintendent, and the County Clerk remain. Closed session began at 9:32 a.m.

#### **RETURN TO REGULAR SESSION**

Kimbrough moved and Mueller seconded the motion to return to open session at 9:55 a.m. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **CRUSHED ROCK BIDS**

Opened crushed rock bids at 10:00 a.m. The following bids were received:

**Westover Truck & Sand:** \$23.25 per ton for type 1 & \$26.25 per ton for type 2, with fuel prices at \$2.75 to \$3.50  
**Husker Trucking, Inc.:** \$28.00 per ton for type 1 & \$28.50 per ton for type 2

### **CRUSHED ROCK LETTING**

After discussion, Cerny moved and Mueller seconded the motion to accept both bids and let the Highway Superintendent get the lowest bid/price for April delivery. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried.

### **MILLIGAN NORTHWEST PROJECT**

After discussion, Galusha moved and Mueller seconded the motion to approve the supplemental agreement with the State of Nebraska to have project #BRO-7030(31) to be funded 80% by Federal-aid bridge replacement funds, 5% by State-aid bridge funds, and 15% County funds. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

### **GRAVEL/SALT BUILDING**

Discussion was held regarding the gravel/salt building, which was discussed at the February 12<sup>th</sup> Board meeting. After discussion, Steve Yates, Dennis Kimbrough, and Bob Mueller will attend a joint meeting with the Committee that the City of Geneva appointed at noon on February 28<sup>th</sup>.

### **RECESS AS BOARD OF SUPERVISORS**

Simacek moved and Mueller seconded the motion to recess as the Fillmore County Board of Supervisors at 10:30 a.m. (See Board of Equalization minutes). Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

### **RECONVENE AS BOARD OF SUPERVISORS**

The Fillmore County Board of Supervisors reconvened at 11:00 a.m.

### **COURTHOUSE AND ROAD BONDS**

Tyler Williams with Edward Jones informed the Board that there was an error in the figures report at the February 12<sup>th</sup> Board meeting and the new figures show an approximate savings of 56,547.00 and an average percentage of 3.39%.

After discussion, Mueller moved and Simacek seconded motion to proceed with the refinancing of the Courthouse and Milligan Road Bonds with Edward Jones and allow the Chairman to sign the documents. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

### **GENERAL FUND:**

February 26, 2008

Howard F. Ach	Ser	\$ 123.50
Alltel	Ser	375.07
American Legion Emblem Sales	Sup	549.95
Ameritas Life Insurance Corp.	Ret	2,665.76
Blue Cross/Blue Shield of Nebraska	Insur	17,505.88
Bottorf & Maser, Atty	Ser, Mile	1,048.89
Buffalo County Court	Ser	9.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Dell Marketing, L. P.	Equip	2,399.16
Eakes Office Plus	Sup	46.55
Gambles	Sup	51.78
Geneva State Bank	Ser, SS	2,811.83
Norma Gregory	Ret	25.00
Holiday Inn Kearney	Lodging	710.00
JEO Consulting Group, Inc.	Ser	572.50
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,540.60
Lafayette Life Insurance Co.	Insur	158.65
Terry Marshall	Sup	37.42
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Sup	56.25
Rich Mueller/Thomas Biegert	Rent	625.00
National Sheriff's Association	Dues	50.00
Nebraska Association of County Officials	Wksh	170.00
Nebraska Fire Sprinkler Corp.	Ser, Sup	925.00
Nebraska Public Power	Uti	865.08
Barb Nunns	Rep	390.00
Shell Fleet Plus	Fuel	2,561.58
State of Nebraska DAS Central Finance	Ser	42.10
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
State of Nebraska Public Helath Envir. Lab	Ser	403.46
Brandy VanDeWalle	Meals, Mile	79.44
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	997.44
York Boot-N-Repair	Rep	90.00
Payroll	Salaries	38,727.35

**ROAD/BRIDGE FUND:**

Ace Agri Supply	Parts	77.56
Ameritas Life Insurance Corp.	Ret	1,572.39
Blue Cross/Blue Shield of Nebraska	Insur	10,812.45
Dorchester Farmers Coop	Fuel	3,054.32
Farm Plan	Parts	891.24
Chester R. Frey	Easement	25.00
Gambles	Sup	143.41
Geneva State Bank	SS	1,677.51
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	75.36
Holiday Inn of Kearney	Lodging	66.00
Donovan Jirkovsky	Ret	25.00
Kyle Kimbrough	Easement	25.00
Lafayette Life Insurance Company	Insur	88.89
Lichti Oil	Fuel	1,459.02
Moses Motor Company, Inc.	Rep	109.75
Jamey Myers	Easement	25.00
Nebraska Depart. of Roads Controller Div.	Equip	261.44
Nebraska LTAP Univ. of Nebraska	Wksh	85.00
Nebraska Public Power	Uti	301.38
Newman Traffic Signs	Equip	1,193.55
Darlene O'Brien	ROW, Fencing	1,130.00
Patrick O'Brien	Easement	25.00
Perennial Public Power	Uti	87.70
SE District County Officials Assn	Wksh	36.00
Weaver Repair	Sup	129.60
Windstream	Uti	134.10
Payroll	Salaries	23,334.50

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Ser.	Jan Patient Care	372.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	129.92
Blue Cross/Blue Shield of Nebraska	Insur	1,029.76
Dell Marketing, L.P.	Sup	129.99
Exeter Care Center	HDM's	196.00
Geneva State Bank	SS	165.98
Lafayette Life Insurance Co.	Insur	9.00
Shell Fleet Plus	Fuel	20.75
JoAnn Vavra	Ser	156.00

		February 26, 2008
Payroll	Salaries	2,185.51
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	77.90
Blue Cross/Blue Shield of Nebraska	Insur	514.88
Geneva State Bank	SS	88.29
Lafayette Life Insurance Co.	Insur	1.36
Payroll	Salaries	1,154.12
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power	Uti	151.34
Windstream	Uti	990.14

**CLAIM APPROVAL**

Capek moved and Mueller seconded the motion to approve the claims as presented with the exception of Nebraska Fire Sprinkler claim. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**ROADS DEPARTMENT ISSUES**

After discussion, the Chairman will inform the Highway Superintendent to have the County Attorney write a letter to the landowner regarding the blockage in Turkey Creek in the NE corner of Section 3, Glengary Township.

In regards to the responsibility of trees in County Right-of-way, the Chairman will direct the Highway Superintendent to put together a schedule/timeline to remove the trees in the County Right-of-way. Landowners who have adjoining property will be notified prior to the trees being removed. The Chairman also directed the Highway Superintendent to start removing trees/brush blocking corners or view. Further discussion on this will be held at the March 11<sup>th</sup> Board meeting.

**TOWNSHIP BONDS**

After discussion, Kimbrough moved and Capek seconded the motion to approve the following township bonds: Larry Nun for Chelsea Township beginning January 30, 2008 and ending January 7, 2009 and Henry Rohla Jr. for Glengary Township beginning January 25, 2008 and ending January 7, 2009. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**ADJOURNMENT**

Agenda items “Soliciting in the Courthouse and Supervisor Voting Machine” were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:10 a.m. on March 11, 2008. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

Attest	Chairman
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The Fillmore County Board of Supervisors convened in open and public session at 9:29 a.m., March 11, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 12:00 p.m.

#### **MINUTES APPROVED WITH CORRECTION**

Chairman of the Board, Yates approved the minutes of the February 26<sup>th</sup> Board meeting with the following addition: Dave Wythers presented a letter in regards to the removal of the trees in the County ROW.

#### **DRIVEWAY PERMIT**

Kimbrough moved and Simacek seconded the motion to approve the following applications for driveway permits:

Angela Howell – install a new 24' driveway on the east side of the SE ¼, Section 9-6-3, Stanton Township;

Gaylord Craddock – install a new 40' driveway on the west side of the NW ¼, Section 20-5-1, Franklin Township;

Ken Boswell – replace culvert in driveway on the south side of the SW ¼, Section 14-5-4, Bryant Township;

Wayne Kennel – install a new 40' driveway on the west side of the SW ¼, Section 11-5-3, Hamilton Township;

Brandon Korbelik – to remove two driveways and install a new 40' driveway on the west side of the NW ¼, Section 30-6-1, Glengary Township.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

Mueller moved and Cerny seconded the motion to approve the following application for a driveway permit:

Glen Peterson – install a new 100' driveway on the south side of the SE ¼, Section 7-8-1, Exeter Township;

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Mueller moved and Capek seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Windstream Communications – bury communication line between Sections 15 and 22-7-1, Liberty Township. Windstream Communications agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Windstream Communications – bury communication line between Sections 27 and 34-5-1, Franklin Township. Windstream Communications agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

#### **PERENNIAL PUBLIC POWER UTILITY AGREEMENT**

March 11, 2008

After discussion, Capek moved and Galusha seconded the motion to approve the utility agreement with Perennial Public Power for the Milligan West concrete box project located between Sections 9-16, Glengary Township with an approximate amount of \$6,143.84. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

### **MILLIGAN WEST CONCRETE BOX PROJECT**

After discussion, Kimbrough moved and Cerny seconded the motion to approve extending the completion date for the Milligan West concrete box project two weeks, with the completion date of June 15, 2008. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **GRAVEL BIDS**

Opened gravel bids at 9:45 a.m. as advertised, the following bids were received:

#### REGULAR ROAD GRAVEL

**Ace Sand & Gravel** – Stockpile \$8.07

**DPL Enterprises, Inc., DBA Nichols Construction** – Belle Prairie \$9.50, Bennett \$10.24, Bryant \$9.35, Chelsea \$10.09, Exeter \$9.69, Fairmont \$8.74, Franklin \$9.14, Geneva \$9.99, Glengary \$9.77, Grafton \$10.15, Hamilton \$9.73, Liberty \$9.24, Madison \$9.42, Momence \$9.96, Stanton \$9.74, West Blue \$9.55, and Stockpile \$6.95

**Overland Sand & Gravel** – Belle Prairie \$12.35, Bennett \$12.35, Bryant \$14.15, Chelsea \$11.59, Exeter 9.60, Fairmont \$9.65, Franklin \$12.05, Geneva \$11.45, Glengary \$11.44, Grafton \$11.45, Hamilton \$13.25, Liberty \$10.25, Madison \$10.55, Momence \$13.25, Stanton \$12.35, West Blue \$10.55, and Stockpile \$7.85

#### COARSE ROAD GRAVEL

**Overland Sand & Gravel** – Bennett \$14.10, Chelsea \$16.20, Exeter \$15.30, Fairmont \$14.40, Geneva \$15.00, Glengary \$17.10, Grafton \$12.60, Liberty \$16.20, Madison \$15.30, Momence \$14.55, Stanton \$15.45, West Blue \$14.40, and Stockpile \$6.30.

### **GRAVEL LETTING**

After discussion, Cerny moved and Simacek seconded the motion to accept all bids, awarding each township to the lowest bidder, if lowest bidder cannot fulfill the need, then will purchase from the second lowest bidder. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

### **TREES IN COUNTY ROW**

Highway Superintendent, Elmer Hessheimer presented a listing of the majority of trees that are located in the County ROW, he is starting to receive bids from tree service companies. Elmer thought that he would have all bids at the next Board meeting.

### **ENTRY & TESTING AGREEMENT WITH ALLTEL**

After discussion, Kimbrough moved and Mueller seconded the motion to approve the Entry and Testing Agreement with Alltel Communications, LLC. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

### **GRAVEL/SALT BUILDING**

Bob Mueller and Steve Yates gave an update after meeting with City of Geneva on February 27th regarding the gravel/salt building. City of Geneva will build and own the building and the County will have a lease with the City, lease details have not been worked out at this time.

### **REPORTS**

Simacek moved and Galusha seconded the motion to approve the fee reports for the month of February 2008:

**Clerk:** \$9,884.80 (State \$5,863.12 & County \$4,021.68)  
**Sheriff:** \$1,173.80



Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### GENERAL FUND:

Howard F. Ach	Rent, Post	\$ 3,187.93
All Around Lawn Care	Ser	90.00
Ameritas Life Insurance Corp.	Ret	2,727.97
Jon Anderson	Uni, Meals, Post	51.33
Aquila	Uti	2,418.33
Aramark Uniform Services, Inc.	Ser	347.92
Axis Capital, Inc.	Ser	243.32
Kara Burda	Mile	124.47
William L. Burgess	Uni, Meals	42.22
Daryl L. Callenius	Uni	35.00
City of Geneva	Uti	108.00
Clay County Sheriff's Dept.	Ser	30.40
Corner Stop	Fuel	115.45
DAS Central Finance	Ser	448.00
Des Moines Stamp	Sup	56.00
Duckwall – Alco Stores, Inc.	Sup	11.97
Eakes Office Plus	Sup	1,355.81
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Misc	6.72
Executive Copier Service	Ser	67.26
Fillmore County Court	Ser	701.74
Fillmore County Treasurer	Post, Misc	1,050.55
First Concord Benefits Group, LLC	Ser	33.00
Franklin County Treasurer	Ser	20.37
The Garbage Co., Inc.	Uti	117.92
Geneva State Bank	SS	2,873.21
Geneva TV & Appliance, Inc.	Sup	12.00
Hebron Journal Register	Ad	5.25
Hillyard / Sioux Falls	Sup, Equip	710.17
Hometown Leasing	Ser	704.65
Inclusion Solutions, LLC	Sup	348.00
Independent Tabulation, Inc.	Sup	264.03
Jim's Repair	Rep	306.30
Steve Julich	Uni, Post	41.61
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,539.22
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,710.00
Vergene Kracke	Mile	118.17
Stephen J. Kraviec	Ser, Post	1,695.29
Lease Consultants Corporation	Ser	249.00
Lincoln County Court	Ser	2.75
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Ser	2,978.00
The Nebraska Signal	Ads, Pro, Subscription, Sup	1,509.18
O'Keefe Elevator Company, Inc.	Main	202.08
Paper Tiger Shredding	Ser	57.15
Ralph's Geneva Tire & Service Center	Rep	392.02
Steven G. Roemmich	Uni	35.00
Saline County Treasurer	Ser	2,265.51
Secretary of State Rules & Regulations	Ser	120.00
SE District County Officials Assoc.	Wksh	108.00
Seiler & Parker, P. C.	Ser	1,051.54
Albert Simacek	Mile	75.66
Chad Summers	Uni	35.00
Univ. of Nebraska College of Law	Ser	32.40
UN-L IS-Telecommunications	Uti	19.50
Brandy VanDeWalle	Meals, Mile	14.12
Gary Wagner	Uni	35.00
Windstream	Uti	214.39
Joyce Wusk	Mile	290.88
York General Hospital	Ser	667.00
Payroll	Salaries	40,019.92

#### ROAD/BRIDGE FUND:

Action Auto Supply	Parts	18.90
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March 11, 2008

Alltel	Uti	86.35
Ameritas Life Insurance Corp.	Ret	1,570.69
Aquila	Uti	1,343.02
Auto Value Parts Stores	Parts, Sup	578.44
CNH Capital	Parts	283.91
Century Lumber Center	Parts, Sup	51.79
City of Geneva	Uti	53.80
Corner Stop	Fuel	2,190.03
Fillmore County Shop	Post, Misc, Parts	26.68
Filter Care of Nebraska	Parts	125.65
Geneva State Bank	SS	1,672.53
Geneva Welding & Supply, Inc.	Parts, Sup	358.59
Grafton Oil	Fuel, Sup	2,657.09
Heath Machine Shop	Rep	38.00
Lichti Oil	Fuel, Parts	2,341.81
Michl Service	Fuel	248.60
Midwest Service & Sales	Parts	1,077.00
Mike's Radiator & Tire	Rep	10.00
Nebraska Bolt	Sup	22.25
Nebraska Iowa Industrial Fasteners	Sup	304.51
The Nebraska Signal	Ad	33.14
Newman Traffic Signs	Sup	750.00
Nichols Construction	Gravel	268.17
Nick's Farm Store	Parts, Equip	210.59
Overhead Door	Rep	266.60
Perennial Public Power	Uti	53.29
Platte Valley Communications	Sup	199.80
R & D Parts	Sup	8.67
Ralph's Geneva Tire & Service	Rep, Sup	207.00
Roit Repair	Rep	9.00
Donna Saltzman	Ser	55.00
Shell	Fuel	196.43
Superior Deshler, Inc.	Fuel	49.42
Village of Fairmont	Uti	73.56
Village of Grafton	Uti	21.07
Weaver Pharmacy	Misc.	29.41
Wick's Sterling Truck	Parts	408.90
Payroll	Salaries	23,269.52
<b><u>JUVENILE DIVERSION FUND:</u></b>		
Dave Wythers	Ser, Uti, Mile	3,247.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Janet Bartak	Mile, Wksh	100.90
Dawg's Smokehouse Café	HDM's	299.00
Geneva Senior Center	Rent, Sup, Uti	231.86
Geneva State Bank	SS	166.33
Susan Kerl	Ser	120.00
Jeannine Krejci	Ser	132.00
Elizabeth Mattox Manning	Ser	108.00
Brenda Motis	Mile	31.31
Ron's Tavern	HDM's	323.00
Rhonda Stokebrand	Mile	82.06
Payroll	Salaries	2,190.01
<b><u>NOXIOUS WEED FUND:</u></b>		
Alltel	Uti	37.98
Ameritas Life Insurance Corp.	Ret	77.90
Central Community College	Wksh	100.00
Chaney Chemical	Sup	340.00
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	88.29
Payroll	Salaries	1,154.12

### CLAIM APPROVAL

Cerny moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

### ADDING SECURITIES

Kimbrough moved and Galusha seconded the introduction of the following resolution:

**RESOLUTION 2008-08**

**RESOLVED**, that the Cornerstone Bank of York, Nebraska, be allowed to add the following security held by Wells Fargo Bank, N.A. to-wit:

CUSIP: #051881AT7 for \$55,000.00

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the resolution adopted.

**UTILITY AGREEMENT WITH ABE**

After discussion, Mueller moved and Galusha seconded the motion to approve the contract with ABE, Fairmont for the cost of utilities for the five electrical fixtures at the intersection of Highway 81 and Road F beginning October 1, 2007 and ending September 30, 2012. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None                      Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

**SOUTHEASTERN NEBRASKA MRS MUTUAL AID AGREEMENT**

After discussion, Simacek moved and Cerny seconded the motion to approve the Southeastern Nebraska MRS Mutual Aid Agreement with the approval of the County Attorney. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**SAFETY COMMITTEE**

Supervisor, Bob Mueller gave an update from the Safety committee meeting. AED for the Courthouse will be located in the dispatch area located in the basement. All safety manuals have been distributed to all employees and receipts returned.

**GAMBLES BILLS**

County Clerk, Amy Nelson informed the Board that the Courthouse offices have not received a bill from Gambles since 2005 due to a computer glitch.

**ADJOURNMENT**

Agenda items "Blockage along Turkey Creek, Communications Site Lease with Alltel, Paper Shredder, Soliciting in the Courthouse, and Supervisor Voting Machine" were tabled until a future Board meeting. As there were no other items to come before the Board, Simacek moved and Kimbrough seconded the motion to adjourn until 9:00 a.m., March 25, 2008. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., March 25, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, and Capek. Galusha was absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 12:05 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the March 11<sup>th</sup> Board meeting as presented.

#### **FOUNTAIN AND PICTURES**

Marilyn Christiancy presented the Board with the history of the Courthouse fountain. She also requested funds to have all of the past Treasurer's pictures framed for the Treasurer's office. The Board agreed that they would pay to have these pictures framed.

#### **DRIVEWAY PERMIT**

Kimbrough moved and Mueller seconded the motion to approve the following applications for driveway permits:

Scott Schlegel – install a new 40' driveway on the south side of the SE ¼ of Section 10-5-2, Belle Prairie Township;

Ron Schropfer – replace existing driveway with a 40' driveway on the north side of the NW ¼ of Section 14-5-1, Franklin Township;

Jess Schropfer – replace existing driveway with a 40' driveway on the east side of the SE ¼ of Section 15-5-1, Franklin Township;

Kathryn Miller Trust – replace existing driveway with a 40' driveway on the west side of the SW ¼ of Section 3-7-3, Geneva Township;

Mel Taylor – install a new 40' driveway on the south side of the SW ¼ of Section 30-8-1, Exeter Township;

Marv Roper – replace a culvert in an existing driveway on the west side of the NW ¼ of Section 23-8-3, West Blue Township.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Simacek moved and Capek seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Windstream Communications – bury communication line between Sections 23, 24, 25, and 26-7-3, Geneva Township. Windstream Communications agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Wayne Kennel – bury electrical line between Sections 11 and 14-5-3, Hamilton Township. Owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, and Capek

Nays: None

The Chairman declared the motion carried

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Mueller moved and Cerny seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Mel Taylor – bury 18" culvert pipe between Section 25-8-2, Fairmont Township and Section 30-8-1, Exeter Township. Owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County officials.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

**TREES ON COUNTY RIGHT-OF-WAY**

After discussion, Mueller moved and Cerny seconded the motion to proceed in removing the trees in the County right-of-way in the following locations: Sections 27-28, Exeter Township; 26-27, Fairmont Township, 26-35, Fairmont Township; and 34-35, Fairmont Township with Highway Superintendent selecting the lowest bidder. Trees located right on property line will be split 50/50 between the landowner and the County. Highway Superintendent will contact all landowners prior to this starting the project. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, and Yates  
Nays: Capek and Simacek

The Chairman declared the motion carried.

**CULVERT PIPE BIDS**

Opened culvert pipe bids at 10:00 a.m., the following bids were received:

	ROUND CMP										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	8.80	10.20	13.75	21.00	25.00	40.00	45.00	52.00	73.00	88.00	128.00
Contech	7.80	9.20	12.40	19.10	22.70	37.10	42.20	48.10	67.70	80.90	117.40
Metal Culverts	8.06	9.58	12.82	19.80	23.62	38.81	44.21	50.40	70.92	84.67	122.18
Midwest Services	9.01	10.71	14.29	21.48	25.67	41.56	47.31	53.07	75.68	90.18	104.70
	ELLIPTICAL SQUASH PIPE										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	9.20	10.60	14.25	21.70	25.75	42.00	48.00	57.00	79.00	95.00	132.00
Contech	8.30	9.80	12.90	19.90	23.60	38.10	43.30	49.30	69.05	83.50	122.00
Metal Culverts	8.64	10.15	13.68	20.66	24.62	39.96	45.43	51.77	72.43	86.54	127.07
Midwest Services	9.87	11.69	15.36	22.78	26.96	43.08	49.05	55.24	78.93	94.51	102.75
	ROUND HELICAL (SPIRAL)										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	8.70	10.20	13.60	20.75	24.00	38.00	44.00	50.00	66.50	76.95	118.50
Contech	7.30	8.90	11.80	17.80	21.80	35.00	40.00	45.00	64.00	75.00	108.50
Metal Culverts	8.06	9.58	12.82	19.80	23.62	38.81	44.21	50.40	70.92	84.67	122.18
Midwest Services	8.03	9.55	12.74	19.16	22.89	37.07	42.19	47.33	67.49	80.41	93.35
	ELLIPTICAL HELICAL SQUASH PIPE										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	9.10	10.70	14.10	21.45	24.80	39.00	46.00	53.00	70.50	82.95	124.50
Contech	7.80	9.40	12.30	18.60	22.80	36.00	41.60	46.80	66.90	77.50	113.00
Metal Culverts	8.64	10.15	13.68	20.66	24.62	39.96	45.43	51.77	72.43	86.54	127.07
Midwest Services	8.81	10.42	13.70	20.31	24.04	38.41	43.73	49.26	70.38	84.28	97.86

**CULVERT PIPE LETTING**

After discussion, Simacek moved and Kimbrough seconded the motion to accept all bids with the Highway Superintendent selecting the lowest bid. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**PUBLIC HEARING FOR ZONING REGULATION CHANGE ON PIVOT & WELLS**

The public hearing to change the zoning regulations on irrigation pivots and wells was opened at 10:30 a.m. as advertised.

**BRIDGE IN CHELSEA TOWNSHIP**

Highway Superintendent, Elmer Hessheimer informed the Board that that bridge located between Section 33 & 34, Chelsea Township will be closed until further notice per the State of Nebraska.

**INDIAN CREEK DRAINAGE**

After discussion, Highway Superintendent, Elmer Hessheimer will have the County Attorney send a letter to landowners regarding the blocked drainage in Section 1, Fairmont Township.

**SERIES 2001 & 2002 BONDS REDEMPTION**

Tyler Williams, with Edward Jones informed the Board that the total savings by calling these bonds would be \$59,775.50.

After discussion, Kimbrough moved and Capek seconded the introduction of the following resolution:

**RESOLUTION 2008-09**

**WHEREAS**, the County of Fillmore, Nebraska is calling (A) all of the County's \$790,000.00 outstanding principal amount of the County's General Obligation refunding bonds, series 2001, dated July 15, 2001 and (B) \$605,000.00 outstanding principal amount of the County's Highway Allocation fund pledge bonds, series 2002, dated May 15, 2002, for payment and redemption prior to maturity.

Upon roll call, the vote was as follows:

Ayes: Mueller, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the resolution adopted.

**GENERAL OBLIGATION REFUNDING BONDS**

Mueller moved and Cerny seconded the introduction of the following resolution:

**RESOLUTION 2008-10**

**WHEREAS**, the County of Fillmore, Nebraska are authorizing and providing for the issuance of \$1,455,000.00 principal amount of General Obligation refunding bonds to provide for the payment and redemption of certain outstanding bonds of the County; prescribing the form and details of the bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on such bonds as they become due; and authorizing certain other documents and actions in connection therewith.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the resolution adopted.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Alltel	Uti	\$ 396.55
Ameritas Life Insurance Corp.	Ret	2,665.76
Blue Cross/Blue Shield of Nebraska	Insur	17,505.88
Bottorf & Maser, Attorney	Ser	586.76
Business World	Sup	29.49
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Duckwalls	Sup	6.97
Executive Copier Services	Ser	49.30
Fillmore County Clerk of District Court	Fees	178.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Treasurer	Sup, Taxes	13,036.41
Gambles	Sup, Equip	4,763.45
The Garbage Company	Ser	25.70
Geneva State Bank	Ser, SS	2,799.33
Geneva Super Foods	Sup	58.46
Norma Gregory	Ret	25.00
Holiday Inn	Lodging	129.90
Kerry's Auto Repair & Service	Rep, Parts, Sup	2,636.19
Lafayette Life Insurance Co.	Insur	193.75
Lease Consultants Corp.	Ser	249.00
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
Mid-American Research Chemical	Sup	710.41
Rich Mueller/Thomas Biegert	Rent	625.00
Nebraska Planning & Zoning Assoc.	Wksh	140.00
Nebraska Public Power District	Uti	789.59
Nichols Collision Center	Sup	71.50
Platte Valley Communications of Hastings	Rep, Sup	420.98
Seward County Sheriff	Ser	43.89
Shell Fleet Plus	Fuel	2,115.42
State of Nebraska DAS Central Finance	Ser	42.08

March 25, 2008

State of Nebraska Dept. of Correctional	Boarding Prisoner	530.46
State of Nebraska Dept. of Motor Vehicle	Ser	7.00
State of Nebraska Public Health Envir. Lab	Ser	296.38
Tyler Graphic Services, Inc.	Sup	368.50
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,151.34
Payroll	Salaries	38,973.38

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	SS	1,572.39
Blue Cross/Blue Shield of Nebraska	Insur	10,812.45
Dorchester Farmers Coop	Fuel, Sup, Rep	2,570.55
Dultmeier Sales	Rep	431.29
Farm Plan	Parts, Sup	545.88
Gambles	Sup	132.85
The Garbage Company	Ser	69.16
Geneva State Bank	SS	1,677.51
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	68.64
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	135.60
Kerry's Auto Repair & Service	Rep	10.00
Lafayette Life Insurance Corp.	Insur	88.89
Lichti Oil	Fuel	4,560.99
Nebraska LTAP Univ. of Nebraska	Wksh	170.00
Nebraska Public Power District	Uti	339.21
NMC, Inc.	Parts	1,101.39
Perennial Public Power	Uti	95.22
Todd Simacek	Parts	15.00
Speece Lewis Engineers	Ser	776.38
USIS Commercial Services	Ser	89.70
Village of Exeter	Uti	15.00
Windstream	Uti	135.34
Payroll	Salaries	23,712.39

**ECONOMIC DEV. – TOURISM FUND:**

Fillmore County Visitors Comm.	Mile, Sup, Misc.	332.50
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**INSTITUTIONS FUND:**

State of Nebraska Health & Human Ser.	Febr. Patient Care	291.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	129.92
Blue Cross/Blue Shield of Nebraska	Insur	1,029.76
Judy Dondlinger	Ser	132.00
Exeter Care Center	HDM's	196.00
Exeter Senior Center	USDA	129.39
Fairmont Aging Services	USDA	445.17
Geneva Senior Center	USDA	1,964.79
Geneva State Bank	SS	165.98
Lafayette Life Insurance Corp.	Insur	9.00
Shell Fleet Plus	Fuel	64.75
JoAnn Vavra	Ser	120.00
Payroll	Salaries	2,194.50

**DRUG LAW ENFORCEMENT FUND:**

Galls	Sup, Equip	453.26
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**INHERITANCE TAX FUND:**

Gambles	Sup	76.56
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**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Febr. Taxes	3,308.97
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp	Ret	77.90
Blue Cross/Blue Shield of Nebraska	Insur	514.88
Geneva State Bank	SS	88.29
Lafayette Life Insurance Corp.	Insur	1.36
Payroll	Salaries	1,154.12

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	129.97
Windstream	Rep, Uti	1,068.07

**CLAIMS APPROVED**

Simacek moved and Capek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

### **CLOSE PUBLIC HEARING ON ZONING REGULATIONS**

The Chairman declared the public hearing on the zoning regulation change regarding irrigation pivots and wells closed at 11:14 a.m. No one appeared to testify either for or against the proposal.

After discussion, the Board would like the Planning Commission to review this again. The Board would like to see that there only needs to be a permit for the pivot pad and not that actual pivot. Zoning Administrator will have the Planning Commission review this again at their April 21<sup>st</sup> meeting and then come back to the Board.

### **PUBLIC HEARING FOR ZONING REGULATION CHANGE FOR NON-COMPLIANCE**

The public hearing to change the zoning regulations to add a penalty for non-compliance of zoning regulations to \$100.00 per day/per occurrence was opened at 11:15 a.m. as advertised.

### **CLOSE PUBLIC HEARING ON ZONING REGULATIONS**

The Chairman declared the public hearing on the zoning regulation change regarding non-compliance of zoning regulations was closed at 11:22 a.m. No one appeared to testify either for or against the proposal.

### **NON-COMPLIANCE ZONING REGULATION**

After discussion with Zoning Administrator, Geraldine Daniels, Cerny moved and Simacek seconded the motion to approve a \$100.00 per day/per occurrence for non-compliance of the zoning regulations. Zoning administrator will notify the landowner by certified mail to obtain a permit within five (5) working days from the date of the letter. After the five (5) days this will be turned over to the County Attorney.

After further discussion, Cerny withdrew the motion pending further information from County Attorney.

### **GENERAL ASSISTANCE 2008-01**

After discussion, Mueller moved and Kimbrough seconded the motion to approve payment on general assistance application 2008-01 for a prescription with doctor's approval. The Board will review other claims at the next Board meeting. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

### **VISITOR'S COMMITTEE**

Kimbrough moved and Cerny seconded the motion to appoint Mike Van Hoosen to the visitor's committee to replace Wanda Overton, term ends May 2009. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

### **NEXTEL WEST CORP LETTER**

After discussion, Simacek moved and Capek seconded the motion to approve the Chairman to sign the letter to Nextel West Corp regarding the frequency reconfiguration agreement. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

### **PETITIONING IN COURTHOUSE**

After discussion, Mueller moved and Kimbrough seconded the motion that there are to be no petitioning or petitioners in the courthouse. Upon roll call, the vote was as follows:

Ayes: Mueller, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **MISCELLANEOUS ITEMS**



March 25, 2008

After discussion, the Board agreed not to sign the fixed rate with Constellation New Energy Gas Division for 2008.

Andrews Electric found that the outlet that services the 911 system is located on the back up generator and does not need to have separate outlets installed.

After discussion, the Board agreed to keep the paper shredder until it does not work anymore. If an office needs shredding done they may contact a company to come in and shred documents out of that office budget.

### **ADJOURNMENT**

Agenda item "Supervisor Voting Machine" was tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Capek seconded the motion to adjourn until 9:10 a.m., April 8, 2008. Upon roll call, the vote was as follows:'

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:17 a.m., April 8, 2008, in the Courthouse Boardroom in Geneva, Nebraska, with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 1:18 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the March 25<sup>th</sup> Board meeting as presented.

#### **FEE REPORTS**

Galusha moved and Kimbrough seconded the motion to approve the March 2008 fee reports and Fillmore County Rural Transit March report:

**County Clerk:** \$9,007.64 (State \$4,912.34 & County \$4,095.30)  
**Sheriff:** \$6,880.34

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

#### **NEBRASKA MACHINERY REBUILD PROGRAM**

Larry Hetler and Tom Forstrom with Nebraska Machinery gave a presentation on what items are included in the Cat Certified Rebuild program for motor graders and an estimated cost. The Board will discuss further at a later date as to whether they will try the certified rebuild program or purchase a new motor grader.

#### **DRIVEWAY PERMITS**

Galusha moved and Mueller seconded the motion to approve the following applications for driveway permits:

Tom Novak – widen existing driveway to 40' on the east side of the SE ¼ & NE ¼, Section 34-7-2, Madison Township;  
Arnold Nadherny – move existing driveway to the South and install a new 40' driveway on the west side of the NW ¼, Section 35-6-1, Glengary Township;  
Arnold Nadherny – widen existing driveway to 40' on the south side of the SW ¼, Section 35-6-1, Glengary Township;  
Robert Lovegrove – widen existing driveway to 40' on the south side of the SE ¼, Section 27-8-3, West Blue Township;  
Robert Lovegrove – install new 40' driveway on the north side of the NW ¼, Section 31-8-3, West Blue Township;  
Votipka & Sons, Inc. and Bob Votipka – widen existing driveway to 40' on the west side of the SW ¼, Section 20-7-1, Liberty Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Capek moved and Mueller seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Leonard Oldehoeft – bury electrical line between Sections 16 & 21-7-1, Liberty Township. Owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Don Griess – bury electrical line between Section 1-7-5 in Clay County and Section 6-8-4, Grafton Township. Owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**RURAL TRANSIT FUNDING**

Jane Cronk presented to the Board that the budget for 2008-2009 will be \$88,886.00, (\$40,313.00 from federal, \$19,596.00 from state, and \$18,237.00 as a request from the County).

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

**RESOLUTION 2008-11**

**WHEREAS**, There are federal funds available under Section 5311 of the Federal Transit Act (FTA), and for Nebraska Public Transportation Act funds, and

**WHEREAS**, Fillmore County desires to apply for said funds to be used to provide public transportation in Fillmore County with special emphasis on meeting the needs of the elderly and disabled of Fillmore County.

**NOW THEREFORE, BE IT RESOLVED;** that the Fillmore County Board of Supervisors hereby instruct the Fillmore County Clerk to apply for the above mentioned funds. Said funds are to be used for Fiscal Year 2008-2009.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None                      Abstaining due to conflict of interest: Simacek

The Chairman declared the resolution adopted.

**RURAL TRANSIT CONTRACT WITH BLUE VALLEY COMMUNITY ACTION**

After discussion, Galusha moved and Mueller seconded the motion to approve the contract with Blue Valley Community Action for the purpose of defining and specifying the separate and mutual responsibilities of each in the operation, support, monitoring, and evaluation of public transit service. Blue Valley Community Action will fund \$13,797.00 for Fillmore County Rural Transit. Upon roll call, the vote was as follows:

Ayes: Yates, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None                      Abstaining due to conflict of interest: Simacek

The Chairman declared the motion carried.

**APPLICATION FOR PUBLIC ASSISTANCE**

Mueller moved and Cerny seconded the motion to approve the application for public transportation assistance. Amount of assistance applied for is \$40,313.00 from the Federal and \$19,596.00 from the State. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None                      Abstaining due to conflict of interest: Simacek

The Chairman declared the motion carried.

**DRIVEWAY PERMIT**

Capek moved and Simacek seconded the motion to approve the following application for a driveway permit:

Brandon Korbelik – join existing driveway and make a 62’ driveway on the west side of the NW ¼, Section 30-6-1, Glengary Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, and Simacek  
Nays: Kimbrough and Cerny

The Chairman declared the motion carried.

**CLAIMS**

The claims were presented for payment. The following abbreviations describe the expenditure: 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Howard F. Ach, Atty.	Rent, Post, Mile	\$ 3,243.95
Ameritas Life Insurance Corp.	Ret	2,644.51

		April 8, 2008
Jon Anderson	Uni, Post, Misc.	87.83
Andrews Electric Co., Inc.	Rep	97.20
Aquila	Uti	1,281.67
Lois Bernasek	Misc.	33.00
Blue Valley Community Action Partnership	Funding	5,000.00
William L. Burgess	Uni	35.00
Business World Products, Inc.	Maint, Sup	352.49
Daryl L. Callenius	Uni, Misc.	68.00
City of Geneva	Uti	117.10
Contryman Associates, P.C.	Audit	750.00
Geraldine Daniels	Mile	115.00
DAS Central Finance	Ser	448.00
Drummond American Corp.	Sup	150.52
Duckwall – Alco Stores, Inc.	Sup	82.90
Robert Dumpert	Mtgs, Mile	30.15
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	46.16
Fillmore County Treasurer	Transfer	26,098.86
First Concord Benefits Group, LLC	Ser	33.00
Galls	Sup	402.98
Geneva State Bank	SS	2,798.90
Matt Harre	Mtgs, Mile	93.48
Hillyard/Sioux Falls	Equip	540.00
Hilty's of Geneva	Sup	428.61
Penny Holtmeier	Mile	31.31
Hometown Leasing	Ser	448.07
Lambert Hopken	Mile	70.70
Intoximeters	Sup	173.50
Brandie Jones	Misc	33.00
Steve Julich	Uni, Post, Fuel. Misc.	100.43
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,581.52
Kerry's Auto Repair & Service	Rep	246.21
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,140.00
Kustom Signals, Inc.	Sup	80.00
Lancaster County Sheriff	Ser	18.21
Lincoln County Sheriff	Ser	20.36
Lynn Peavey Company	Sup	47.88
Mid-American Research Chemical	Sup	204.67
Howard Mills	Misc	33.00
MIPS, Inc.	Ser	2,697.54
Moore Wallace	Sup	56.89
Mark Morgan	Mtgs, Mile	75.30
Morley Most	Mtgs, Mile	90.45
MSH	Sup	173.22
Marvin Nadherny	Mtgs, Mile	84.39
Nebraska Association of County Officials	Wksh	450.00
The Nebraska Signal	Ad, Pro, Sup	1,295.16
Merle Noel	Mtgs, Mile	69.24
Reg Noel	Mtgs, Mile	58.28
Rafaela Nunez	Misc	33.00
Dawn Opfer	Misc	33.00
R & D Parts, LLC	Sup	37.16
Ralph's Geneva Tire & Service Center	Rep, Maint	183.93
Steven G. Roemmich	Uni, Meals, Misc.	104.17
Secretary of State Rules & Reg	Ser	40.00
Olivia Shellhase	Misc	33.00
Chad Summers	Uni, Misc.	68.00
Tyler Graphic Services, Inc.	Sup	168.37
UN-L IS-Telecommunications	Uti	12.68
USDA, APHIS	Ser	3,495.25
Brandy VanDeWalle	Mile, Meals	189.43
Gary Wagner	Uni, Misc.	68.00
Windstream	Uti	214.39
York News Times	Ads	230.44
Payroll	Salaries	38,979.93

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts, Sup	64.82
Alltel	Uti	121.53
Ameritas Life Insurance Corp.	Ret	1,570.69
Andrews Electric Co., Inc.	Sup	24.48
Aquila	Uti	689.68
Auto Value Parts Stores	Parts, Rep, Sup	1,211.61
Century Lumber Center	Rep, Parts, Sup	62.34
City of Geneva	Uti	56.90
Corner Stop	Fuel	3,352.80
Fillmore County Shop	Post	42.58
Filter Care of Nebraska	Parts	133.20
Geneva Implement	Parts	84.15

April 8, 2008

Geneva State Bank	SS	1,672.53
Geneva Welding & Supply, Inc.	Parts, Sup	177.00
Grafton Oil	Sup	800.75
Heath Machine Shop	Rep	28.00
Michl Service	Fuel	191.67
Mike's Radiator & Tire	Rep	10.00
Nebraska Iowa Industrial Fasteners	Sup	95.13
The Nebraska Signal	Ads	14.73
Nebraska Truck & Equipment	Parts	26.46
Newman Traffic Signs	Sup	279.13
Nichols Construction	Gravel	17,975.42
Nick's Farm Store	Parts, Rep	61.42
Perennial Public Power	Uti	62.47
Platte Valley Communications	Parts	69.95
Power Plan	Parts, Rep	3,576.81
R & D Parts	Parts, Sup	265.84
Ralph's Geneva Tire & Service	Rep, Sup	171.80
Shell	Fuel	118.46
Speece Lewis Engineers	Ser	7,750.00
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	45.27
Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.42
Weldon Industries	Parts	742.00
Payroll	Salaries	23,269.52
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Janet Bartak	Mile, Sup	84.31
Geneva Senior Center	Uti, Sup, Uti	159.16
Geneva State Bank	SS	166.67
Susan Kerl	Ser	168.00
Brenda Motis	Mile	46.97
Ohiowa Café	HDM's	73.50
Payroll	Salaries	2,194.50
<b><u>DRUG LAW ENFORCEMENT FUND:</u></b>		
Custom Cage	Equip	580.00
Galls	Sup	434.61
<b><u>INHERITANCE TAX FUND:</u></b>		
Fillmore County Treasurer	Transfer	10,000.00
<b><u>ETHANOL PLANT ROAD BOND FUND:</u></b>		
UMB Bank, N.A.	Principal & Interest	42,613.75
<b><u>NOXIOUS WEED FUND:</u></b>		
Alltel	Uti	37.98
Ameritas Life Insurance Corp.	Ret	77.90
Gaylord Craddock	Mile	51.51
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	88.29
Frances Heinrichs	Mile	34.34
Ronald Isley	Mile	26.26
The Nebraska Signal	Ads	22.55
Nebraska Control Association	Dues	15.00
Tim Schepers	Mile	16.16
Payroll	Salaries	1,154.12
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Andrews Electric Co., Inc.	Rep	270.00

# **CLAIMS APPROVED**

Kimbrough moved and Simacek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Simacek, and Kimbrough  
Nays: None Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

# **GENERAL ASSISTANCE 2008-01**

After discussion, Cerny moved and Capek seconded the motion to deny all additional claims due to lack of medical verification. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**2008-2009 SALARY COMMITTEE**

Cerny moved and Kimbrough seconded the motion to appoint Bob Mueller, Ray Capek, and Jerry Galusha to the 2008-2009 salary committee. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, and Cerny  
Nays: Galusha                      Abstaining: Capek and Mueller

The Chairman declared the motion carried.

**LIBERTY TOWNSHIP BOND**

Mueller moved and Capek seconded the motion to approve the Liberty township bond for Galen Kuska for a term beginning April 3, 2008 and ending April 3, 2009. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**ADDING SECURITIES**

Simacek moved and Mueller seconded the introduction of the following resolution:

**RESOLUTION 2008-12**

**RESOLVED**, that the Cornerstone Bank of York, Nebraska, be allowed to add the following security held by Wells Fargo Bank, N.A. to-wit:

CUSIP: #3133XPJ96 for \$100,000.00

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the resolution adopted.

**ADDING SECURITIES**

Kimbrough moved and Capek seconded the introduction of the following resolution:

**RESOLUTION 2008-13**

**RESOLVED**, that the Cornerstone Bank of York, Nebraska, be allowed to add the following security held by Wells Fargo Bank, N.A./Elkhorn, NE RPPD to-wit:

CUSIP: #287742JB7 for \$100,000.00

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the resolution adopted.

**ADJOURNMENT**

Agenda items "County Tree Policy and Interlocal Agreement with City of Geneva for salt" were tabled until a future Board meeting. As there was no other items to come before the Board, Mueller moved and Capek seconded the motion to adjourn until 9:00 a.m., April 22, 2008. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 22, 2008, in the Courthouse Boardroom in Geneva, Nebraska, with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:45 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the April 8<sup>th</sup> Board meeting as presented.

#### **ARBUCK SUBDIVISION**

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Arbuck Subdivision, located in the SW ¼, Section 9-7-3, Geneva Township.

Galusha moved and Mueller seconded the motion to approve the plat for the Arbuck Subdivision as follows:

A tract of land comprising a part of the SW ¼ of Section 9, Township 7 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: beginning at the SE corner of said SW ¼, and assuming the south line of said SW ¼ to have a bearing of N89°58'25"W; thence N89°58'25"W, and on the south line of the said SW ¼, 624.57 feet to a ¾" iron bar; thence N01°26'32"W, 135.37 feet to a ¾" iron bar; thence N49°58'22"E, 239.41 feet to a ¾" iron bar; thence N54°44'20"E, 108.40 feet to a ¾" iron bar; thence S88°31'40"E, 50.26 feet to a ¾" rebar with cap; thence S00°30'06"W, 264.58 feet to a ¾" rebar with cap; thence S89°15'30"E, 196.25 feet to a ¾" rebar with cap; thence N00°51'00"W, 105.15 feet to a ¾" rebar with cap; thence S89°36'36"W, 81.52 feet to a ¾" rebar with cap; thence N02°48'46"W, 160.07 feet to a ¾" rebar with cap; thence S88°31'40"E, 202.83 feet to a ¾" iron bar; thence S00°01'24"E, 343.02 feet to the point of beginning and containing 3.52 acres more or less of which 0.47 of an acre more or less is occupied by County Road R.O.W.

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Simacek moved and Mueller seconded the motion to approve the following applications for driveway permits:

Eric Krupicka – extending existing driveway to 40' on the east side of the NE ¼, Section 32-5-2, Belle Prairie Township;

Robby Peterson – install two new 40' driveways one on the north side of NE ¼, Section 15-8-2, Fairmont Township and the seconded on the east side of the NE ¼, Section 15-8-2, Fairmont Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

#### **SILT CLEANING PERMIT**

Capek moved and Cerny seconded the motion to approve the following application for a permit to clean silt from the road ditch:

Melvin & Joe Plock – clean silt from the road ditch on the east side of the SE ¼, Section 20-8-2, Fairmont Township.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY PERMITS**

Kimbrough moved and Capek seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Windstream – bury communication line between Section 31-5-2, Belle Prairie Township and Section 36-5-3, Hamilton Township. Windstream agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Ken Gross – bury electrical line between the NE ¼, Section 11 and the NW ¼, Section 12-8-1, Exeter Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha

Nays: None

The Chairman declared the motion carried.

#### **4-DAY WORK WEEK FOR ROAD'S DEPT.**

After discussion, Galusha moved and Simacek seconded the motion to approve the 4-day work week for the Road's Department employees starting May 19, 2008 and ending August 29, 2008, days worked will be Monday, Tuesday, Thursday, and Friday with Wednesday off. Upon roll call, the vote was as follows:

Ayes: Simacek, Galusha, and Capek

Nays: Yates, Kimbrough, Cerny, and Mueller

The Chairman declared the motion failed.

#### **5-DAY WORK WEEK FOR ROAD'S DEPT.**

Simacek moved and Capek seconded the motion to leave the Road's Department working eight hours a day, five days a week all year round. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: Yates

The Chairman declared the motion carried.

#### **COUNTY TREE POLICY**

After discussion, Kimbrough moved and Cerny seconded the motion to approve the County Tree Policy with the following addition: when there is a cost share between the County and the landowner, the County Board must approve the project prior to any removal. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, and Yates

Nays: Capek and Simacek

The Chairman declared the motion carried.

#### **SELLING MOTOR GRADERS**

After discussion, Cerny moved and Mueller seconded the motion to approve selling the 1986 Caterpillar and 1993 John Deere motor graders with Stock Auction on June 27, 2008 in York. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, and Kimbrough

Nays: Simacek

The Chairman declared the motion carried.

#### **CISDA**

Carol Hrdlicka, Executive Director for CISDA/New Beginnings presented the annual report and budget request for 2008-2009 with no increase. Her request is \$750.00, which will be discussed later during the budget process.

#### **PROFESSIONAL SERVICES/CONSULTANT AGREEMENT**

After discussion, Mueller moved and Kimbrough seconded the motion to approve the Professional Services/Consultant Agreement with Hanna-Keelan Associates in the amount of \$18,000.00 for the housing study. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Kimbrough, and Cerny

Nays: Simacek

The Chairman declared the motion carried.



**SUB-RECIPIENT AGREEMENT WITH FILLMORE COUNTY DEVELOPMENT CORP.**

After discussion, Kimbrough moved and Cerny seconded the motion to approve the Sub-recipient Agreement with Fillmore County Development Corp. (FCDC), which authorizes FCDC to coordinate as a Housing Advisory Committee, to assist in development of the housing study, to assist in a housing summit and to assist in presentation of the study to committees in the amount of \$4,000.00. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Kimbrough, Cerny, and Mueller

Nays: Simacek

The Chairman declared the motion carried.

**CLAIMS**

The claims were presented for payment. The following abbreviations describe the expenditure: 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Alltel	Uti	\$ 365.49
Ameritas Life Insurance Corp.	Ret	2,677.25
Aramark Uniform Services, Inc.	Ser	441.52
Axis Capital, Inc.	Ser	243.32
Bear Graphics	Sup	119.59
Joseph N. Bixby, DR	Ser	674.50
Blue Cross/Blue Shield of Nebraska	Insur	18,020.76
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	49.27
County Veteran’s Service Officers Assoc. of NE	Wksh	140.00
Creighton University School of Law	Wksh	300.00
Dell Marketing, L.P.	Sup	629.93
Duckwall – Alco Stores, Inc.	Sup	52.54
Eakes Office Plus	Sup, Ser	823.58
Election Systems & Software, Inc.	Ser	1,335.00
Executive Copier Services	Sup	67.41
Fillmore County Treasurer	Interest, Post, Misc.	1,026.37
Jerry D. Galusha	Mile	133.32
Gambles	Sup	582.55
The Garbage Co., Inc.	Ser	146.38
Geneva State Bank	Ser, SS	2,816.74
Geneva Super Foods	Sup	346.44
Norma Gregory	Ret	25.00
Hometown Leasing	Ser	128.44
JEO Consulting Group, Inc.	Ser	380.00
Kelch Plumbing Heating & Refrigeration Inc.	Rep	187.85
Stephen J. Kraviec	Ser, Post	1,695.36
Lafayette Life Insurance Co.	Insur	166.75
Latimer Reporting	Ser, Mile, Post	275.70
Lease Consultants Corp.	Ser	249.00
Maximus, Inc.	Ser	16.47
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Sup	36.25
Monroe Systems for Business, Inc.	Equip	292.28
Rich Mueller/Thomas Biegert	Rent	625.00
Nebraska Assoc. of County Officials	Wksh	120.00
Nebraska Clerk Magistrate’s Assoc.	Dues	50.00
Nebraska Law Enforcement Training Center	Wksh	100.00
Nebraska Public Power District	Uti	902.31
Polk County Court	Sup	3.75
Protex Central, Inc.	Main	101.00
Region V Services	Budget request	2,952.25
Secretary of State Rules & Regulations	Ser	40.00
Shell Fleet Plus	Fuel	2,400.75
State of Nebraska DAS Central Finance	Ser	42.63
University of Nebraska College of Law	Sup	16.50
Weaver Pharmacy	Sup	105.58
West Payment Center	Sup	97.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,229.82
Payroll	Salaries	38,886.33

**ROAD / BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,570.69
Barco Municipal Products	Sup	367.31
Blue Cross/Blue Shield of Nebraska	Insur	10,812.45
Contech Construction Products	Culverts	22,601.90
Don’s Signs	Sup	151.10

April 22, 2008

Dorchester Farmers Coop	Fuel	286.72
Erdkamp Motors	Parts	262.78
Exeter Lumber Company	Sup	59.98
Gambles	Sup	15.21
The Garbage Company	Ser	70.48
Geneva State Bank	SS	1,693.85
Ralph Gould	Ret	18.00
Inland Truck Parts Co.	Parts	21.76
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Co.	Insur	88.89
Lichti Oil	Fuel, Parts	10,469.02
Marlborough	Sup	75.00
Nebraska Assoc. County Engineers & Supt.	Wksh	75.00
Nebraska Assoc. of County Officials	Wksh	60.00
NMC, Inc.	Parts	629.09
Nebraska Public Power	Uti	317.13
Speece Lewis Engineers	Ser	1,961.97
Superior Deshler, Inc.	Fuel	130.24
Weaver Pharmacy	Sup	13.76
Weaver Repair, Inc.	Parts	199.48
Wick's Sterling Truck	Parts	945.85
Windstream	Uti	131.16
Payroll	Salaries	23,548.18
<b><u>MEDICAL / RELIEF FUND:</u></b>		
Weaver Pharmacy	Sup	64.81
<b><u>INSTITUTIONS FUND:</u></b>		
State of Nebraska Health & Human Services	March patient care	279.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Blue Cross/Blue Shield of Nebraska	Insur	1,029.76
Dawg's Café	HDM's	286.00
Judy Dondlinger	Ser	156.00
Exeter Care Center	HDM's	176.00
Exeter Senior Center	LAAA, USDA	287.05
Fairmont Aging Services	LAAA, USDA	1,802.18
Fillmore County Treasurer	Post	92.00
Geneva Senior Center	LAAA, USDA	2,713.54
Geneva State Bank	SS	166.67
Jeannine Krejci	Ser	120.00
Lafayette Life Insurance Co.	Insur	9.00
Elizabeth Mattox Manning	Ser	84.00
Ron's Tavern	HDM's	348.50
Shell Fleet Plus	Fuel	25.37
Rhonda Stokebrand	Mile	66.91
JoAnn Vavra	Ser	108.00
Payroll	Salaries	2,194.50
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	84.99
Blue Cross/Blue Shield of Nebraska	Insur	514.88
Geneva State Bank	SS	130.76
Lafayette Life Insurance Co.	Insur	1.36
Payroll	Salaries	1,709.12
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	126.89
Windstream	Uti	987.16

#### CLAIMS APPROVES

Simacek moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### MCCABE – EKELER SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the McCabe - Ekeler Subdivision, located in the SE ¼, Section 6-8-1, Exeter Township.

Mueller moved and Galusha seconded the motion to approve the plat for the McCabe - Ekeler Subdivision as follows:

April 22, 2008

A tract of land located in the SE ¼, Section 6, Township 8 North, Range 1 West, of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: beginning at the SE corner of said SE ¼; thence S89°52'29"W (assumed bearings) on the south line of said SE ¼, 622.00 feet; thence N04°40'00"E, 200.00 feet; thence N35°08'00"E, 44.00 feet; thence N57°59'23"E, 133.98 feet; thence N89°52'29"E parallel with the south line of said SE ¼, 466.00 feet to the east line of said SE ¼; thence S00°08'58"E on said east line, 306.00 feet to the point of beginning. Containing 4.15 acres more or less.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declares the motion carried.

### **BROMAN SUBDIVISION**

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Broman Subdivision, located in the NE ¼, Section 15-7-2, Madison Township.

Kimbrough moved and Simacek seconded the motion to approve the plat for the Broman Subdivision with the appropriate signatures as follows:

A tract of land comprising a part of the NE ¼ of Section 15, Township 7 North, Range 2 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: beginning at the NE corner of the NE ¼, and assuming the east line of the said NE ¼ to have a bearing of S00°16'32"E, and on the east line of said NE ¼, 1021.35 feet to a ¾" rebar with cap; thence S89°43'28"W, and perpendicular to the east line of said NE ¼, 33.00 feet to a ¾" rebar with cap; thence N20°38'12"W, 251.42 feet to a ¾" rebar with cap; thence N30°50'28"W, 170.72 feet to a ¾" rebar with cap; thence N24°27'24"W, 211.15 feet to a ¾" rebar with cap; thence N00°01'06"W, 77.89 feet to a ¾" rebar with cap; thence N52°54'37"W, 578.05 feet to a ¾" rebar with cap on the south R.O.W. line of a county road; thence N00°55'06"E, and perpendicular to the north line of said NE ¼, 33.00 feet to a ¾" rebar with cap on the north line of said NE ¼; thence S89°04'54"E, and on the north line of said NE ¼, 752.34 feet to the point of beginning and containing 7.25 acres more or less of which 1.32 acres more or less is occupied by county road R.O.W.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

### **LIBERTY TOWNSHIP BOND**

Mueller moved and Galusha seconded the motion to approve the Liberty Township Bond for John J. Becker beginning April 8, 2008 and ending January 3, 2009. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **ROLLING ACRES SECOND ADDITION**

After discussion, Mueller moved and Kimbrough seconded the motion to approve the plat for Rolling Acres Second Addition, Lots 1 through 12, platting a part of the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼ of Section 36, Township 7 North, Range 3 West of the 6<sup>th</sup>, P.M., Fillmore County, Nebraska. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

### **ROLLING ACRES THIRD ADDITION**

Kimbrough moved and Simacek seconded the motion to approve the plat for Rolling Acres Third Addition, Lots 1 and 2, platting a part of the NE ¼ of the NW ¼ of Section 36, Township 7 North, Range 3 West of the 6<sup>th</sup>, P.M., Fillmore County, Nebraska. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

### **ROLLING ACRES FOURTH ADDITION**

Galusha moved and Capek seconded the motion to approve the plat for Rolling Acres Fourth Addition, Lots 1 through 3, platting a part of the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 36, Township 7 North, Range 3 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Mueller  
Nays: None                      Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

**FEE REPORTS**

Kimbrough moved and Simacek seconded the motion to approve the fee reports from the Clerk of the District Court as follows: January \$502.43, February \$510.48, and March \$369.52 and the Fillmore County Rural Transit March monthly report. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**ADJOURNMENT**

Agenda item “Interlocal Agreement with City of Geneva for salt” was tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Galusha seconded the motion to adjourn until 9:10 a.m., May 6, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:21 a.m., May 6, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:28 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the April 22<sup>nd</sup> Board meeting as presented.

#### **FEE REPORTS**

Mueller moved and Galusha seconded the motion to approve the fee reports for the month of April as follows:

**County Clerk:** \$13,720.48 (State \$8,426.19 & County \$5,294.29)  
**Clerk of the District Court:** \$994.59  
**Sheriff:** \$1,643.51

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Cerny  
Nays: None                      Absent: Kimbrough

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Capek moved and Kimbrough seconded the motion to approve the following applications for driveway permits:

Gorlyn Nun – install a new 40' driveway on the east side of the NE ¼, Section 32-6-1, Glengary Township;

Gorlyn Nun – extending existing driveway to 40' on the east side of the SE ¼, Section 32-6-1, Glengary Township.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY PERMITS**

Cerny moved and Galusha seconded the motion to approve the following applications for a permit to occupy county right-of-way:

Windstream Communications – bury communication line between Sections 14 and 23-7-4, Bennett Township. Windstream agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **CERTIFICATION OF COMPLIANCE**

Kimbrough moved and Mueller seconded the motion to approve the Chairman and the Highway Superintendent to sign the Certification of Compliance for two concrete box projects located on the east side of Section 36, Chelsea Township and between Section 10 & 15, Franklin Township. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

NATURAL DRAINAGE LETTERS

After discussion, Mueller moved and Simacek seconded the motion to approve the letters to the landowners that need to clean their natural drainage areas in Section 15, Fairmont Township. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

INTERLOCAL AGREEMENT WITH THE CITY

After discussion, Kimbrough moved and Cerny seconded the motion to approve the interlocal agreement with the City of Geneva for salt shed in the amount of \$16,500.00, this also allows the purchase of salt mixture at cost for 10 years. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

ZONING REGULATIONS

After discussion with Geraldine Daniels, Zoning Administrator; Merle Noel and Morley Most, Planning Commission members; Jill Cunningham, County Attorney; Joan Ackland, County Assessor, and Lynn Mussman, Deputy County Assessor the Board directed the Planning Commission to work with the County Attorney on the changes and have them approved at their May 19<sup>th</sup> meeting and bring the changes to the Board meeting on May 27<sup>th</sup>. The Board also directed the Zoning Administrator to put together a notice of the changes which will be included in the Valuation Notices that will be mailed out on May 30<sup>th</sup> to all landowners.

INTERLOCAL AGREEMENT FOR COOPERATIVE PUBLIC SAFETY SERVICES

After discussion, Mueller moved and Galusha seconded the motion to approve the Interlocal Agreement for Cooperative Public Safety Services with Cass, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer and York counties. This agreement provides that the director or coordinator of each city, village, county, and interjurisdictional emergency management organization shall, in collaboration with other public and private entities within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster, emergency, or civil defense emergency too great to be dealt with unassisted. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: Nays

The Chairman declared the motion carried.

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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

GENERAL FUND:

Howard F. Ach, Atty.	Rent, Post	\$ 3,193.86
Adams County Sheriff	Ser	15.50
Ameritas Life Insurance Corp.	Ret	2,614.75
Aquila	Uti	994.03
Axis Capital, Inc.	Ser	243.32
The Blue Pig	Ser	32.06
Business World	Sup	63.49
City of Geneva	Uti	124.40
Clay County Sheriff	Ser	90.19
Contryman Associates, P.C.	Ser	1,350.00
DAS Central Finance	Ser	448.00
Eakes Office Plus	Sup	479.05
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Sup, Ser	6,375.93
Executive Copier Systems	Ser	93.73
Farm & Home Publishers, LTD	Sup	292.00
Fillmore County Clerk of District Court	Fees	213.00
Fillmore County Hospital	Ser	125.00
Fillmore County Treasurer	Equip, Ser	273.10
First Concord Benefits Group, LLC	Ser	33.00
Geneva State Bank	SS	2,728.19
Geneva TV & Appliance, Inc.	Rep	47.50
Hometown Leasing	Ser	704.65
Kerry's Auto Repair & Service	Rep	34.25
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,484.00

		May 6, 2008
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Ser	2,602.69
The Nebraska Signal	Pro, Ads, Sup	1,874.90
Nebraska Supreme Court	Subscription	350.00
Plains Power & Equipment, Inc.	Sup	19.50
Platte Valley Communications	Rep	60.00
Ralph's Geneva Tire & Service Center	Rep, Sup	242.11
Jon Scoville	Mile	74.24
Secretary of State Rules & Regulations	Ser	40.00
Seiler & Parker, P. C.	Ser, Post, Mile	1,468.40
State of Nebraska Dept. of Correction	March Boarding Prisoners	2,349.18
State of Nebraska Public Health Environmental	Ser	365.50
Thayer County Sheriff's Department	Boarding Prisoner	65.00
UN-L IS-Telecommunications	Uti	16.79
West Payment Center	Subscription	97.00
Danelle Whitmore	Mile	58.07
Windstream	Uti	214.92
Payroll	Salaries	38,055.73
<b><u>ROAD/BRIDGE FUND:</u></b>		
Alltel	Uti	86.95
Andrews Electric Co., Inc.	Sup	24.48
Ameritas Life Insurance Corp.	Ret	1,570.11
Aquila	Uti	589.09
B & J Automotive	Rep, Parts	407.06
City of Geneva	Uti	63.40
Farm Plan	Parts, Rep	254.65
Geneva State Bank	SS	1,712.50
Grafton Mini Mart	Fuel	251.23
Harrison Tree Service	Rental	1,950.00
L. J. Webb Contractor, Inc.	Project	117,524.66
Lichti Oil	Fuel	37,145.66
Newman Traffic Signs	Sup	855.72
Nichols Construction	Gravel	81,212.78
Overland Sand & Gravel	Gravel	5,412.13
Perennial Public Power	Uti	87.18
Ralph's Geneva Tire & Service	Rep, Parts	129.96
Shell	Fuel	545.91
Speece Lewis Engineers	Fees	90.00
U.S. Postal Service	Sup	243.60
Westover Rock & Sand, Inc.	Gravel	35,541.98
Payroll	Salaries	23,791.72
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Geneva Senior Center	Uti, Sup, Rent	170.56
Geneva State Bank	SS	164.26
Susan Kerl	Ser	132.00
Payroll	Salaries	2,163.04
<b><u>COURTHOUSE BOND FUND:</u></b>		
Fillmore County Treasurer	Principal & Interest	617,335.56
Financial Printing Resource, Inc.	Sup	870.59
UMB Bank	Ser	250.00
<b><u>ROAD BOND FUND:</u></b>		
Fillmore County Treasurer	Principal & Interest	806,952.22
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	77.90
Geneva State Bank	SS	88.29
Payroll	Salaries	1,154.12

#### CLAIMS APPROVED

Simacek moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

#### ADJOURNMENT

Agenda item "Gravel Budget, Zoning Regulations, and Alltel tower site" were tabled until a future Board meeting. As there were no other items to come before the Board, Capek moved and Cerny seconded the motion to adjourn until 9:10 a.m., May 27, 2008. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman



The Fillmore County Board of Supervisors convened in open and public session at 9:36 a.m., May 27, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 2:48 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the May 6<sup>th</sup> Board meeting as presented.

#### **EXTENSION OFFICE UPDATE**

Brandy VanDeWalle, Extension Educator gave an update on what programs the Extension office has done in the past year as well as programs that will be coming up.

#### **SAFETY COMMITTEE**

Terri Volkmer gave a report on the last safety committee meeting and a few repairs that need to be completed. Terri and Steve Yates also informed the Board that the Geneva Summer Celebration Committee has requested to use the courthouse lawn for July 4<sup>th</sup> activities.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Capek moved and Mueller seconded the motion to approve the following application to occupy county right-of-way:

Windstream Communications – to bury communication cable between Sections 25 and 26-5-4, Bryant Township. Windstream agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

#### **RAILROAD CROSSING, SECTION 29, FAIRMONT TOWNSHIP**

After discussion, the Board directed Elmer Hessheimer, County Superintendent to research to see if this railroad crossing was inside the Village of Fairmont's limits to determine who has jurisdiction on closing this railroad crossing. Rex Brown appeared to voice his thoughts on closing this railroad crossing.

#### **STORAGE BUILDING**

After discussion, the Board decided to include money in the budget to build a new storage building at the Road's Department.

#### **BLUE CROSS/BLUE SHIELD OF NEBRASKA**

Gary Streeks with Blue Cross/Blue Shield of Nebraska gave the Board an update on the rate changes effective July 1, 2008. July 1<sup>st</sup> health insurance rates will go up 8.46% for the County.

#### **YORK GENERAL HOSPITAL**

After discussion with County Attorney, Jill Cunningham and Deputy County Attorney, Howard Ach, Kimbrough moved and Mueller second the motion to deny the remaining amount of the claim from York General Hospital for an inmate. The Medicaid rate was paid and the hospital will not accept that as payment. County Clerk will notify York General Hospital in regards to this denial. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

#### **USDA WILDLIFE**

Spencer Nelson with USDA-APHIS presented the annual report to the Board as well as the budget request of \$7,340.00 for 2008-2009 an increase of \$349.50. Budget request will be decided later this summer.

#### **2005 HOMELAND SECURITY FUNDS**

Terry Marshall, Emergency Manager requested to apply for additional homeland security funds in the amount of \$13,807.00 to purchase an amplifier.

After discussion, Galusha moved and Simacek seconded the motion to approve to apply for additional homeland security funds in the amount of \$13,807.00. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, and Galusha

Nays: Kimbrough, Cerny, and Mueller

The Chairman declared the motion carried.

### **2006 HOMELAND SECURITY FUNDS**

After discussion, Kimbrough moved and Mueller seconded the motion to approve the expenditure of 2006 Homeland security funds in the amount of \$55,963.00 for additional radio equipment. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### **PLATTE VALLEY COMMUNICATIONS BOND**

After discussion, Capek moved and Cerny seconded the motion to approve the return of the \$25,000.00 bond to Platte Valley Communications when a \$6,000.00 bond is received to complete Project #3403. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

### **COURTHOUSE HOURS**

After discussion, Cerny moved and Mueller seconded the motion to change the Courthouse hours to be 8:00 a.m. to 4:30 p.m. effective July 1<sup>st</sup>, 2008 with employees still working until 5:00 p.m. This is in effort to better serve our customers and process your business in a timely manner. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### **GENERAL FUND:**

Joan Ackland	Mile, Meals	\$ 29.40
Alltel	Uti	370.17
Ameritas Life Insurance Corp.	Ret	5,481.23
Jon Anderson	Uni, Post	62.34
Aramark Uniform Services, Inc.	Ser	361.86
Bottorf & Maser, Atty.	Ser, Mile	219.63
Kara Burda	Mile	29.29
William L. Burgess	Uni	35.00
Business World Products, Inc.	Sup, Equip	1,715.23
Buzz's Alignment	Rep	345.04
Daryl L. Callenius	Uni, Meals, Post, Fuel	155.97
Chase County Sheriff	Ser	15.50
Marilyn Christiancy	Ret, Election	111.05
City of Geneva	Rent	484.00
Corner Stop	Fuel	44.53
Cornhusker United Way	211	1,126.62
Dodge County Sheriff	Ser	6.07
Duckwall – Alco Stores, Inc.	Sup	106.82
Eakes Office Plus	Sup	435.15
Election Workers	Salaries	4,781.66
Executive Copier Systems	Sup	12.50
Fillmore County Building & Grounds	Sup	53.00
Fillmore County Hospital	Ser	50.00
Fillmore County Treasurer	Wksh, Transfer, Post, Ser	329,384.79
Franklin County Treasurer	Sup	14.42
Galls	Sup	504.96
Gambles	Equip, Sup	293.87

		May 27, 2008
The Garbage Co., Inc.	Ser	149.36
Geneva State Bank	SS	5,714.61
Geneva Super Foods	Sup	577.85
Germer, Murray & Johnson	Ser, Mile	1,399.38
Norma Gregory	Ret	25.00
Frances Heinrichs	Election	88.98
Penny Holtmeier	Mile	28.28
JEO Consulting Group, Inc.	Ser	1,090.00
Jim's Repair	Rep, Sup	1,217.28
Steve Julich	Uni, Post	41.61
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,961.97
Stephen J. Kraviec	Ser, Post	1,706.75
Galen Kuska	Mile	95.04
Kustom Signals, Inc.	Sup	332.58
Lafayette Life Insurance Co.	Insur	165.85
Lease Consultants Corp.	Ser	249.00
Ann H. McDonald	Ret	18.00
Mel's Automotive, Inc.	Rep, Sup	93.00
Microfilm Imaging Systems, Inc.	Ser	100.00
Rich Mueller/Thomas Biegert	Rent	625.00
Mullarkey Associates, Inc.	Sup	83.13
Nebraska Public Power Dist.	Uti	757.69
The Nebraska Signal	Ad	128.00
Galen Niederklein	Mile	130.68
Mary Novak	Meals	9.98
Platte Valley Communications of Hastings	Rep	88.00
Polk County Court	Ser	7.00
Pratt Audio-Visual	Equip	482.11
Quill	Equip	279.99
Steven G. Roemmich	Uni	35.00
Saline County Treasurer	Ser	750.61
Secretary of State Rules & Regulations	Ser	40.00
Seiler & Parker, P. C.	Ser, Mile	3,080.83
Seward County Sheriff	Ser	42.82
Shell Fleet Plus	Fuel	2,341.10
State of Nebraska DAS Central Finance	Ser	42.59
State of Nebraska Dept. Correctional Service	Boarding Prisoner	854.45
Chad Summers	Uni	35.00
University of Nebraska College of Law	Ser	22.50
University of Nebraska SE Research & Ext.	Equip	635.75
Brandy VanDeWalle	Meals, Mile	121.43
Carroll L. Verhage	Transportation	900.00
Mary Lu Vossler	Mile	77.22
Gary Wagner	Uni	35.00
Weaver Pharmacy	Sup	28.73
Daniel Werner	Ser, Mile	1,782.90
Eric Williams	Post	151.18
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,201.81
Joyce Wusk	Mile	145.44
York County Sheriff	Ser	31.50
Payroll	Salaries	79,495.20

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts	90.74
All Roads Barricade, Inc.	Sup	130.04
Ameritas Life Insurance Corp	Ret	3,130.57
Auto Value Parts Stores	Parts, Sup	361.43
B's Enterprises	Grader Blades	6,600.00
Buzz's Alignment	Rep	60.00
Casey's General Store	Fuel	2,023.11
Century Lumber Center	Sup	130.81
Chaney Chemical	Sup	155.40
Contech Construction Products	Culverts	20,853.50
Corner Stop	Fuel	540.45
Dorchester Farmers Coop	Fuel	9,298.20
Farm Plan	Parts, Rep	804.95
Fillmore County Shop	Post	40.96
Filter Care of Nebraska	Parts	18.75
Gambles	Sup	119.34
The Garbage Company	Uti	71.92
Geneva Implement	Parts	7.85
Geneva State Bank	SS	3,423.16
Geneva Welding & Supply, Inc.	Sup, Parts	370.85
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	78.89
Grafton Oil	Fuel	1,512.59
Hilty's of Geneva	Sup	85.71
Jill's Sweet Shop	Misc	18.00

		May 27, 2008
Donovan Jirkovsky	Ret	25.00
Kamler's Garage	Equip Rental	175.00
L. J. Webb Contractor, Inc.	Project #C003003030	31,517.72
Lafayette Life Insurance Co.	Insur	88.89
Lichti Oil	Fuel, Parts	3,719.28
Nebraska Bolt	Sup	45.96
Nebraska Iowa Industrial Fasteners	Sup	95.43
Nebraska Public Power	Uti	211.36
NMC, Inc.	Parts, Sup	1,769.12
Nick's Farm Store	Rep	151.03
Overland Sand & Gravel	Gravel	13,284.90
Perennial Public Power	Uti, Ser	10,523.67
Power Plan	Parts	397.11
Donna Saltzman	Ser	15.00
Speece Lewis Engineers	Ser	5,359.12
Superior Deshler, Inc.	Fuel	188.52
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	15.32
Village of Grafton	Uti	21.07
Weldon Industries	Parts	74.86
Windstream	Uti	134.27
Zep Manufacturing	Sup	84.90
Payroll	Salaries	52,341.60
<b><u>INSTITUTIONS FUND:</u></b>		
State of Nebraska Health & Human Service	April Patient Care	270.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	259.84
Janet Bartak	Mile	42.93
The CIMA Companies, Inc.	Insur	1,174.54
Dawg's Smokehouse Café	HDM's	338.00
Judy Dondlinger	Ser	228.00
Exeter Care Center	HDM's	164.00
Exeter Senior Center	UDSA	30.78
Fairmont Aging Services	UDSA	175.56
Geneva Senior Center	UDSA, Sup	634.33
Geneva State Bank	SS	332.65
Susan Kerl	Ser	84.00
Jeannine Krejci	Ser	180.00
Lafayette Life Insurance Company	Insur	9.00
Brenda Motis	Mile, Meals, Lodging, Meals	1,582.57
Ohiowa Café	HDM's	110.25
Ron's Tavern	HDM's	352.75
Shell Fleet Plus	Fuel	49.07
Payroll	Salaries	4,380.01
<b><u>COURTHOUSE BOND FUND:</u></b>		
Gilmore & Bell, P. C.	Ser	6,540.85
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	Taxes	31,049.54
<b><u>NOXIOUS WEED FUND:</u></b>		
Action Auto Supply	Sup	31.37
Alltel	Uti	37.98
Ameritas Life Insurance Corp.	Ret	155.80
Shane Bristol	Rep	145.00
Chaney Chemical	Chemicals	20,091.15
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	176.58
Grafton Mini Mart	Fuel	73.52
Lafayette Life Insurance Company	Insur	1.36
The Nebraska Signal	Ads	179.20
Payroll	Salaries	6,688.25
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	110.00
Windstream	Uti	992.62

#### CLAIMS APPROVED

Kimbrough moved and Simacek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Simacek, and Kimbrough  
Nays: None                      Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

### **BLUE CROSS/BLUE SHIELD INSURANCE**

After discussion, Galusha moved and Kimbrough seconded the motion to change the annual health insurance deductible to \$1,500.00 instead of \$500.00 and to contract with First Concord to manage the difference between \$500.01 to \$1,500.00 (the County will be picking up the difference between the \$500.01 to \$1,500.00 deductible, which will be \$1,000.00 per employee and an additional \$1,000.00 for family). Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **BUDGET REQUESTS**

District #12 Probation submitted a budget request of \$2,810.50 for 2008-2009, which is an increase of \$211.43 from last year.

Region V Systems submitted a budget request of \$9,280.00 for mental health and \$1,637.00 for substance abuse which is an increase of \$214.00 from last year. Both requests will be decided during the budget process later this summer.

### **ZONING REGULATION CHANGE**

After discussion, Simacek moved and Mueller seconded the motion to amend zoning regulations article 12.2 as presented by the Planning Commission to read: After certified letter is received and served, five business days will be allowed to return a permit to the Zoning Administrator. The erection, construction, reconstruction, alteration, conversion, or use of any building, structure, or land in violation of Sections 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376 or of any regulation made by the County Board under such section shall be a Misdemeanor. Any person, partnership, limited liability company, association, club or corporation violating such sections or any regulation of the County Board or erecting, construction, reconstruction, altering or converting any structure without having first obtained a permit, shall be guilty of a Class III Misdemeanor, pursuant to Nebraska Revised Statute §23-117. A Class III Misdemeanor is punishable by a maximum of three months imprisonment or a \$500.00 fine, or both. Each day that such violation continues after Notice of Violation is given to offender is considered a separate offense. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Cerny  
Nays: Kimbrough and Mueller

The Chairman declared the motion carried.

### **REPLACING PLEDGED SECURITIES**

Mueller moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-14**

**RESOLVED**, that the Geneva State Bank of Geneva, Nebraska, be allowed to substitute the following securities held by the Midwest Independent Bank:

Cusip #305290AK4 in the amount of \$45,000.00;  
Cusip #305290AG3 in the amount of \$40,000.00;  
Cusip #305290AJ7 in the amount of \$45,000.00

and that the following securities be substituted with Wells Fargo Bank, N.A.:

Cusip #305288BQ4 in the amount of \$25,000.00;  
Cusip #362617CL4 in the amount of \$155,000.00;  
Cusip #305288BP6 in the amount of \$25,000.00.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman adopted the resolution.

### **ADJOURNMENT**

Agenda items "Purchasing Sign Truck, Alltel Tower Site, 2008-2009 Salaries, Policy for Driver's License checks, and Accounting Firm to assist with budget preparation" were tabled until a future Board meeting. As there were no other items to come before the Board, Capek moved and Galusha seconded the motion to adjourn until 9:10 a.m., June 10, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:18 a.m., June 10, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Galusha, and Capek. Mueller was absent, Capek absent at 11:30 a.m. and Kimbrough absent at 3:25 p.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 4:18 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the May 27<sup>th</sup> Board meeting with the following correction: Noxious Weed payroll claim of \$2,308.24 and not \$6,688.25.

#### **FEE REPORTS**

Kimbrough moved and Cerny seconded the motion to approve the fee reports for the month of May, 2008: **County Clerk:** \$9,741.33 (State \$5,438.55 & County \$4,292.78); **Clerk of District Court:** \$622.59; **Sheriff:** \$1,513.01. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

#### **EXTENSION OFFICE LEASE**

Richard Mueller presented the lease renewal for the Extension office building for another five years with an increase of \$25.00 per month.

After discussion, Galusha moved and Kimbrough seconded the motion to approve the five year lease for the Extension office at a rate of \$650.00 per month beginning July 1, 2008 and ending June 30, 2013. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Cerny moved and Capek seconded the motion to approve the following applications for driveway permits:

Mel Taylor – to widen existing driveway to 40' on the west side of the NW ¼, Section 30-8-1, Exeter Township;

Mark Kimbrough – relocate existing driveway to ½ mile line on the north side of the NW ¼, Section 35-6-3, Stanton Township.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **DRAINAGE ISSUES**

Gene and Marlene Buerer and Kent Theobald were present to discuss drainage issues in Section 22-7-2, Madison Township.

After discussion, the Board directed the Road's Department to survey the area and road ditches, will be discussed at the next Board meeting.

#### **TREE REMOVAL PROJECT**

Janet Stephenson, Joyce Votipka, and Gene and Marlene Buerer were present to discuss the tree removal project in the SW corner of the SE ¼, Section 26-8-2, Fairmont Township. Board will table this issue to a future Board meeting.

#### **CASA**

Amanda Miller, Fillmore County Court Appointed Special Advocates (CASA) Director and Marilyn Christiancy, CASA Board member presented the annual report and budget request of \$12,283.62 for fiscal year 2008-2009. This is an increase of \$4,607.62 from 2007-2008 budget request. Budget request will be decided later this summer.

## **HOSPITAL BOARD**

Kimbrough moved and Galusha seconded the motion to re-appoint Howard Johnson to the Hospital Board for a six year term beginning July 1, 2008 and ending June 30, 2014. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

## **CHILD SUPPORT CONTRACT**

Stephen Kraviec submitted the Child Support Contract beginning July 1, 2008 and ending June 30, 2009 in the amount of \$20,095.00 per year, which is the same as last year.

Simacek moved and Galusha seconded the motion to approve the Child Support Contract with Stephen Kraviec in the amount of \$20,095.00 per year. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

## **CHILD SUPPORT ENFORCEMENT CONTRACT FOR SUPPLEMENTAL SERVICES**

Stephen Kraviec submitted the Child Support Enforcement Contract for Supplemental Services in the amount of \$5,524.00, which is the child support incentive payment for October 1, 2005 through September 30, 2006.

Galusha moved and Simacek seconded the motion to approve the Child Support Enforcement Contract for Supplemental Services in the amount of \$5,524.00. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

## **FIRST CONCORD AGREEMENT**

After discussion, Kimbrough moved and Capek seconded the motion to approve the "Administration & Claims Processing Service Agreement with First Concord Benefits Group, LLC for \$3.00 a month, per employee enrolled in Blue Cross Blue Shield insurance. First Concord will administer the difference in deductible (\$500.01 to \$1,500.00) that the County will be paying. This difference in deductible will only be paid on PPO provider services. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: Cerny

The Chairman declared the motion carried.

## **SEND D**

Dave Taladay and Norene Fitzgerald, with Southeast Nebraska Development District (SEND D) presented the annual report and budget request of \$7,170.00 for fiscal year 2008-2009. This is an increase of \$133.00 from the 2007-2008 budget request. Budget request will be decided later this summer.

## **HOPE CRISIS CENTER**

Carmen Hinman, Executive Director with Hope Crisis Center presented the annual report and budget request of \$2,080.00 for fiscal year 2008-2009. There was no increase 2007-2008 budget request, only funded \$1,040.00 in fiscal year 2007-2008. Budget request will be decided later this summer.

## **TOWER SITE WITH ALLTEL**

Jeff Skinner with Nevco Land Services a contractor for Alltel informed the Board of where we are in the process of getting a repeater in Geneva. At this point the sub lease agreement is in the final review process with Alltel. The proposed site plan has been approved. Once the sub lease agreement is finalized and signed by both parties, construction will begin in putting a repeater on the old 911 tower. Present were Deputy County Attorney Howard Ach and Chris Lake.

## **KEYSTONE EXPANSION (TRANS CANADA)**

Jeff Rauh with TransCanada gave a presentation on the Keystone Pipeline Project. The proposed project would bury 36 inch pipeline that will traverse more than 2,000 miles from Hardisty, Alberta, Canada to the Texas Gulf Coast. The proposed route would go through the NW corner of Fillmore County. County Assessor, Joan Ackland; Planning & Zoning Administrator, Jerri Daniels; Deputy County Attorney Howard Ach; and Jerry Knoche with Knoche Appraisal & Consulting, LLC attended the presentation.



**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Howard F. Ach, Atty.	Rent, Post, Meals, Mile	3,581.39
Ameritas Life Insurance Corp.	Ret	2,804.61
Jon Anderson	Uni	35.00
Aquila	Uti	150.37
Aramark Uniform Services, Inc.	Ser	462.23
Axis Capital, Inc.	Ser	243.32
Bear Graphics, Inc.	Sup	152.69
Blue Cross Blue Shield of Nebraska	Insur	17,505.88
Bottorf & Maser, Atty	Ser, Mile	848.98
William L. Burgess	Uni, Meal	57.46
Business World Products, Inc.	Sup	18.96
Daryl L. Callenius	Uni	35.00
Chaney Chemical, Inc.	Sup	497.80
City of Geneva	Uti	145.40
Corner Stop	Fuel	181.46
DAS Central Finance	Ser	448.00
Dell Marketing, L. P.	Equip	1,043.24
Dodge County Sheriff	Ser	16.07
Duckwall – Alco Stores, Inc.	Sup	63.22
Dugan Business Forms	Sup	880.71
Eakes Office Plus	Sup, Equip	2,502.52
Earls Window Service	Ser	5.00
Executive Copier Systems	Sup	70.71
Fillmore County Treasurer	Transfer, Post, Wksh, Ser	177,795.73
First Concord Benefits Group, LLC	Ser	33.00
Geneva State Bank	SS	2,924.33
Geneva Super Foods	Sup	347.91
Graham Tire of Grand Island	Tires	498.12
Hilty's of Geneva	Sup	9.21
Holiday Inn	Lodging	264.00
Penny Holtmeier	Mile	30.30
Hometown Leasing	Ser	704.65
Lambert Hopken	Mile	71.71
Information Systems	Sup	37.42
Steve Julich	Uni	35.00
Kerry's Auto Repair & Service	Rep	12.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,960.00
Stephen J. Kraviec	Ser, Post	1,697.28
Lichti Oil	Fuel	17.86
Terry L. Marshall	Uti	160.20
Mid-American Research Chemical	Sup	490.68
Milligan Towing LTR	Ser	195.00
MIPS, Inc.	Ser	2,393.28
Nebraska Assoc. of County Extension	Dues	100.00
Nebraska Assoc. of County Officials	Wksh	75.00
Nebraska County Attorneys Assoc.	Wksh	757.00
Nebraska Fire Sprinkler Corp.	Rep, Sup	1,477.00
The Nebraska Signal	Sup, Ads, Pro	1,578.20
Neopost, Inc.	Sup	250.00
Nick's Farm Store	Sup	10.20
O'Keefe Elevator Company, Inc.	Main	214.20
Omaha World Herald	Subscription	189.28
Parade of Flags	Sup	288.00
Radiology Associates, P. C.	Ser	38.00
Ralph's Geneva Tire & Service Center	Rep, Tires	553.48
Steven G. Roemmich	Uni	35.00
Secretary of State Rules & Regulations	Ser	40.00
State of Nebraska Crime Commission	Sup	14.00
Chad Summers	Uni, Misc	44.48
Text & Data Technologies Inc.	Ser	900.00
U. S. Attorney's Office Law Enforcement	Wksh	95.00
University of Nebraska 4-H Youth Dev.	Sup	6.00
UN-L IS-Telecommunications	Uti	25.87
Brandy VanDeWalle	Mile, Meals	66.01
Windstream	Uti	218.73
Wingate Inn	Lodging	593.55
York County Sheriff	Ser	6.50
Payroll	Salaries	40,623.76

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts	49.32
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June 10, 2008

Alltel	Uti	86.95
Ameritas Life Insurance Corp.	Ret	1,570.69
Aquila	Uti	154.45
Auto Value Parts Stores	Parts, Sup	1,005.72
B's Enterprises	Sup	900.00
Blue Cross/Blue Shield of Nebraska	Insur	10,812.45
Casey's General Store	Fuel	3,256.50
City of Geneva	Uti	53.80
Corner Stop	Fuel	658.20
Filter Care of Nebraska	Parts	60.15
Friesen Chevrolet, Inc.	Parts	38.38
Geneva Implement	Parts	71.61
Geneva State Bank	SS	1,688.78
Grafton Oil	Sup	63.20
Lichti Oil	Fuel, Parts	3,862.63
Mike's Radiator & Tire	Rep	10.00
Nichols Construction	Gravel	58,456.46
Nick's Farm Store	Rep	72.38
Perennial Public Power	Uti	28.56
Power Plan	Parts	782.68
R & D Parts	Parts	20.08
Ralph's Geneva Tire & Service	Sup, Rep	578.36
Shell	Fuel	959.18
Superior Deshler, Inc.	Fuel	55.98
Sutton Lumber	Sup	1,392.00
Village of Fairmont	Uti	15.11
Village of Grafton	Uti	21.07
Payroll	Salaries	23,481.84
<b><u>ECONOMIC DEVELOPMENT – TOURISM:</u></b>		
Mike Van Hoosen	Mile, Meals	109.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Blue Cross/Blue Shield of Nebraska	Insur	1,029.76
Dawg's Smokehouse Café	HDM's	338.00
Exeter Care Center	HDM's	204.00
Fillmore County Treasurer	Post	168.00
Geneva Activity & Education Dept.	Ser	40.00
Geneva Senior Center	Rent, Uti, Sup	203.31
Geneva State Bank	SS	166.67
The Nebraska Signal	Sup	134.00
Ohiowa Café	HDM's	180.15
Ron's Tavern	HDM's	259.25
Rhonda Stokebrand	Mile, Post, Sup	51.45
JoAnn Vavra	Ser	180.00
Payroll	Salaries	2,194.50
<b><u>COURTHOUSE BOND FUND:</u></b>		
UMB Bank, NA	Ser	537.38
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	May taxes	13,613.04
<b><u>NOXIOUS WEED FUND:</u></b>		
Action Auto Supply	Sup	4.46
Alltel	Uti	38.13
Ameritas Life Insurance Corp.	Ret	77.90
Blue Cross/Blue Shield of Nebraska	Insur	514.88
Bill's Repair	Sup	14.50
Merlin Ehmen	Rent, Post, Sup	235.62
Geneva Activity & Education Dept.	Ser	105.00
Geneva State Bank	SS	169.58
Grafton Mini Mart	Fuel	465.13
Lichti Oil	Fuel	265.75
Ralph's Geneva Tire & Service	Ser, Rep	290.20
Payroll	Salaries	2,216.82

#### CLAIMS APPROVED

Cerny moved and Simacek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Galusha, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

#### SALARY COMMITTEE

At the May 27<sup>th</sup> Board meeting Ray Capek, Chairman of the salary committee reported that they had a meeting with the department heads and are recommending a thirty (\$.30) cent an hour raise for employees.

After discussion, Galusha moved and Kimbrough seconded the motion to approve the thirty (\$.30) per hour increase, to take effect on June 30<sup>th</sup>. The Highway Superintendent, Senior Services Director, Emergency Manager, Deputy Civil Defense, Veteran's Service Officer, Planning & Zoning Administrator, Weed Superintendent, and the Custodian/Groundskeeper salaries will be set by the Board. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, and Galusha

Nays: None

The Chairman declared the motion carried.

### **SALARY INCREASES**

Galusha moved and Simacek seconded the motion to increase the Highway Superintendent, Senior Services Director, Emergency Manager, Deputy Civil Defense, Veteran Service Officer, Custodian/Groundskeeper, Planning & Zoning Administrator, Oil Collection, and Weed Superintendent's salary by \$.30 an hour or \$624.00 a year, to take effect on June 30<sup>th</sup>. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, and Galusha

Nays: Cerny

The Chairman declared the motion carried.

### **MSAG CORRECTIONS**

Marcus Tooze, President of GIS Workshop, Inc. presented the changes that are required to the Master Street Address Guide (MSAG) for the enhanced 911 system to be operational. Marcus presented a scope of work to complete this MSAG for \$15,750.00.

After presentation and discussion, Cerny moved and Galusha seconded the motion to approve GIS Workshop, Inc. to complete the Master Street Address Guide as required for the enhanced 911 system in the amount not to exceed \$15,750.00. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Galusha, and Yates

Nays: None

The Chairman declared the motion carried.

### **LINCOLN AREA AGENCY ON AGING CONTRACT**

After discussion, Galusha moved and Simacek seconded the motion to approve the Lincoln Area Agency on Aging Care Management Contract to provide assessment, screening, care management services to its citizens, and to offset costs associated with the delivery of services to Fillmore County residents. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Galusha, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **ACCOUNTING FIRM FOR BUDGET PROCESS**

County Clerk requested quotes from two accounting firms to assist with the lid limits and mill levies associated with the yearly budget. Received quotes from Mierau & Co., P. C in the amount of \$1,200.00 and Contryman & Associates, P.C. in the amount of \$1,500.00 to \$2,500.00 depending on services.

Galusha moved and Kimbrough seconded the motion to continue with Mierau and Co., P.C. to assist the County Board in completing the budget. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried.

### **BLUE VALLEY COMMUNITY ACTION**

Richard Nation, Chief Executive Officer with Blue Valley Community Action presented the annual report and budget request of \$3,921.00 for fiscal year 2008-2009. This is an increase of \$96.00 from the 2007-2008 budget request, only funded \$2,785.00 in fiscal year 2007-2008. Budget request will be decided later this summer.

### **ADJOURMENT**

Agenda items "Drainage in Section 20-7-2, 2008-2009 Appraisal Contract, Policy for Driver's License Checks, and budget review time table" were tabled until a future Board meeting. As there were no other items to

June 10, 2008  
come before the Board, the Chairman declared the meeting adjourned as there was not a quorum until 9:15 a.m.,  
June 24, 2008.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:16 a.m., June 24, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 4:18 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the June 10<sup>th</sup> Board meeting as presented.

#### **DRIVEWAY PERMITS**

Mueller moved and Simacek seconded the motion to approve the following applications for driveway permits:

Swartzendruber Farms – install a new 30' driveway on the west side of the SW ¼, Section 30-5-3, Hamilton Township;

Lauber Seed Company – install two new 40' driveways, one on the west side and one on the north side of the NW ¼, Section 35-7-3, Geneva Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

#### **SILT CLEANING PERMIT**

Kimbrough moved and Galusha seconded the motion to approve the following application to clean silt from the road ditch:

Swartzendruber Farms – to clean silt from the ditch on the east side of the SE ¼, Section 25-5-4, Bryant Township.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

#### **TREE REMOVAL PROJECT**

Janet Stephenson, Joyce Votipka, Gean and Marlene Buerer, Doug Hafer, Donald Hafer, Dave and Jennie Wythers, Jerry and Karen Chapman, Larry Biester, and Don Reiman were present to discuss the tree removal policy. The current tree policy was read and discussed in length. After discussion, the Board will review of the policy at a further board meeting.

#### **TOWNSHIP ROAD BETWEEN SECTION 13 & 24, GENEVA TOWNSHIP**

Brad Lauber, Larry Biester, Donald Hafer, Doug Hafer, Gean & Marlene Buerer, Janet Stephenson, and Joyce Votipka were present to discuss the County taking over the Township road between Sections 13 & 24, Geneva Township. Board directed the Highway Superintendent to get an estimate on what it would cost to bring this road up to standard as a graveled county road to be discussed at the next Board meeting.

#### **ABANDONING TOWNSHIP ROAD INSIDE SECTION 9, WEST BLUE TOWNSHIP**

Brad Lauber, Larry Biester, Donald Hafer, Doug Hafer, Gene & Marlene Buerer, Janet Stephenson, and Joyce Votipka were present to discuss abandoning township road B inside Section 9, West Blue Township. The Board directed the Highway Superintendent to start the process of setting up a public hearing on July 22<sup>nd</sup> to abandoning this township road.

#### **DRAINAGE ISSUES**

Gean and Marlene Buerer, Donald Hafer, Doug Hafer, Janet Stephenson, and Joyce Votipka were present to discuss drainage issues in Section 22-7-2, Madison Township. After discussion, decided that the natural drainage issue needs to be cleaned out per State Statute and a letter will be sent to the landowner. After that has been completed the Board will take a look to see if anything further needs to be done.

#### **PUBLIC HEARING TO AMEND BUDGET**

June 24, 2008

The public hearing on the proposed amendment to the budget for 2007-2008 was opened at 10:35 a.m. and held open until 11:05 a.m. The purpose of this hearing was to amend the Keno fund, Courthouse Bond fund, and Highway Bond fund. No one appeared to testify either for or against the proposal.

### **ARMOR COATING MILLIGAN SOUTH**

Highway Superintendent, Elmer Hessheimer informed the Board that there has been a lot of cracking on the surface of the roadway.

After discussion, Capek moved and Galusha seconded the motion to start the process to armor coat the Milligan South roadway. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha

Nays: None

The Chairman declared the motion carried.

### **PERENNIAL PUBLIC POWER AGREEMENT**

After discussion, Mueller moved and Simacek seconded the motion to approve the Perennial Public Power agreement for the project between Section 32 and 33 Chelsea Township at no charge to the County. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### **ADOPT AMENDED BUDGET**

After discussion, Mueller moved and Kimbrough seconded the introduction of the following resolution:

#### **RESOLUTION 2008-15**

**RESOLVED**, that the amendment to the 2007-2008 budget for Fillmore County, as advertised and heard at the public hearing held June 24, 2008, be approved, and the 2007-2008 budget for Fillmore County is hereby amended to reflect the changes as advertised and adopted.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the resolution adopted.

### **SOUTHEAST NEBRASKA ADULT DRUG COURT**

Christina Lyons, Drug Court Coordinator presented the annual report and the interlocal agreement with Gage, Jefferson, and Saline for the Southeast Nebraska Adult Drug Court beginning July 1, 2008 and ending June 30, 2009 in the amount of \$2,327.58.

After discussion, Kimbrough moved and Mueller seconded the motion to approve the interlocal agreement for the Southeast Nebraska Adult Drug Court. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

### **REGION V SERVICES AND REGION V SYSTEMS**

Dave Merrill, Executive Director of Region V Services gave the annual report and budget request to remain the same as 2007-2008 of \$11,809.00.

C. J. Johnson, Regional Administrator of Region V Systems gave the annual report and budget request of \$9,280.00 for mental health and \$1,637.00 for substance abuse which is an increase of \$214.00 from 2007-2008 budget request. Both budget requests will be addressed later during the budget process.

### **SENIOR SERVICES UPDATE**

Brenda Motis, Senior Services Director gave the Board an update on what accomplishments they have completed in 2007-2008 as well as goals for 2008-2009.

### **LINCOLN AREA ON AGING AGENCY**

June Pederson and Denise Boyd with Lincoln Area on Aging Agency gave the annual report and budget request of \$9,468.00 which is an increase of \$864.00 from 2007-2008 budget request. Budget request will be addressed later during the budget process.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Alltel	Uti	\$ 363.50
Ameritas Life Insurance Corp.	Ret	2,664.82
Peggy Birky	Mile, Meals, Lodging, Wksh, Dues	485.10
Joseph N. Bixby, DR.	Ser	646.00
Bottorf & Maser, Atty.	Ser, Mile	463.38
Charles Brabec	Mile	70.07
Business World	Equip	220.99
Randall G. Capek	Mile	14.14
Cherry County Sheriff's Office	Ser	15.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Jill R. Cunningham	Mile	98.94
Dodge County Sheriff's Office	Ser	16.07
Eakes Office Plus	Equip, Sup	3,308.07
Fillmore County Clerk of District Court	Fees	62.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Treasurer	Post, Sup, Misc	153.49
Galls	Sup	21.98
Gambles	Sup	342.64
The Garbage Co., Inc.	Ser	149.36
Geneva State Bank	Ser, Misc., SS	3,044.25
Germer, Murray, & Johnson, Atty.	Ser, Mile	1,496.92
GIS Workshop	Ser	12,000.00
Norma Gregory	Ret	25.00
Deborah Hoarty	Mile	133.32
Howard Johnson	Mile	136.35
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Wksh, Sup	3,306.30
John Kassik	Misc	20.00
Richard Kleinschmidt	Mile	8.08
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,140.00
Lafayette Life Insurance Co.	Insur	165.85
Lease Consultants Corp.	Ser	249.00
Harold D. Long	Mile	9.60
Annette K. Marget	Mile	88.88
Terry Marshall	Sup	176.44
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
Rich Mueller/Thomas Biegert	Rent	625.00
Nebraska Fire Sprinkler Corp.	Ser	373.00
Nebraska Public Power District	Uti	986.60
Mary Novak	Mile	50.50
Victoria Ozenbaugh	Mile	113.12
PC Nuts	Rep, Sup	200.00
Hannele Plettner	Meals	5.34
Postmaster	Rent	670.00
Jon Scoville	Mile	70.07
State of Nebraska DAS Central Finance	Ser	43.60
State of Nebraska Dept. Correctional Svcs	Boarding Prisoner	7.15
State of Nebraska Public Health Envir.	Ser	78.00
Turning Technologies, LLC	Equip	2,325.89
Weaver Pharmacy	Sup	30.42
Tim Wilbeck	Mile	16.16
Eric Williams	Wksh, Post	37.07
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,224.54
Payroll	Salaries	41,080.16

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,571.75
Biegert Construction Company	Rep	672.65
Thomas R. & Victoria J. Bumgarner	ROW, Easement	2,350.00
Century Lumber Center	Parts	68.21
Chaney Chemical	Sup	355.90
Contech Construction Products	Culverts	5,551.20
Dorchester Farmers Coop	Fuel	4,530.30
Fillmore County Hospital	Ser	26.00
Fillmore County Shop	Post	23.08
Gambles	Sup, Misc.	43.11
The Garbage Company	Ser	71.92
Geneva Engineering	Sup	100.00
Geneva State Bank	SS	1,732.11

		June 24, 2008
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	198.35
Dennis Harrison, DBA Harrison Tree Serv.	Ser	1,050.00
Heath, Inc.	Rep	60.00
Elmer Hessheimer	Mile	76.12
Holiday Inn Expresss	Lodging	237.00
Donovan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Rep, Equip, Ser	298.66
L. J. Webb Contractor, Inc.	Ser	15,026.09
Lafayette Life Insurance Company	Insur	88.89
Lichti Oil	Fuel	4,028.44
CNH Capital	Parts	94.84
Nebraska Bolt	Parts	119.04
NMC, Inc.	Parts	184.38
Nebraska Public Power	Uti	177.82
Newman Traffic Signs	Sup	519.07
Perennial Public Power	Uti	40.41
Postmaster	Rent	106.00
Speece Lewis Engineers	Ser	5,185.35
USIS Commercial Services	Ser	59.80
Village of Exeter	Uti	15.00
Windstream	Uti	133.02
Payroll	Salaries	24,048.28
<b><u>JUVENILE DIVERSION FUND:</u></b>		
Dave Wythers	Ser, Uti, Sup	2,977.77
<b><u>ECONOMIC DEV. – TOURISM FUND:</u></b>		
Fillmore County Development Corp.	Ser, Mile, Sup	661.81
Omaha World Herald	Ads	250.00
<b><u>INSTITUTIONS FUND:</u></b>		
State of Nebraska Health & Human Ser.	May Patient Care	279.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	129.92
Exeter Senior Center	USDA	98.04
Fairmont Aging Services	USDA	409.26
Fillmore County Transit	Mile	45.00
Fillmore County Treasurer	Post	63.00
Geneva State Bank	SS	167.02
Lafayette Life Insurance Company	Insur	9.00
Brenda Motis	Mile	46.97
Rhonda Stokebrand	Mile	66.15
Payroll	Salaries	2,199.00
<b><u>INHERITANCE TAX FUND:</u></b>		
Erdkamp Motors	Equip, Ser, Rep	6,393.37
Fillmore County Treasurer	Transfer	6,000.00
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	77.90
Geneva State Bank	SS	360.77
Lafayette Life Insurance Company	Insur	1.36
Payroll	Salaries	4,716.05
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	115.73
Windstream	Uti	986.86

#### CLAIMS APPROVED

Capek moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

#### FILLMORE COUNTY DEVELOPMENT CORP.

Patt Lentfer, Director and Jim Donovan, FCDC Board member presented a budget request of \$45,000.00 for fiscal year 2008-2009 which is an increase of \$5,000.00 from 2007-2008 budget request. Budget request will be addressed later during the budget process.

#### NEBRASKA TAXES ONLINE



June 24, 2008

Joe Power with MIPS, Inc. gave a presentation via telephonic conference on Nebraska Taxes Online program, if Fillmore County would decide to put the taxes online it would cost \$1,284.00 a year and no expense to the County to accept credit cards or allow taxpayers to pay online with a credit card. This item will be discussed during the budget process. Barbara Trapp, County Treasurer was present for this.

### USDA ANNUAL CONTRACT

After discussion, Kimbrough moved and Cerny seconded the motion to approve the USDA Animal & Plant Health Inspection Service Wildlife Services contract beginning July 1, 2008 and ending June 30, 2009 in the amount of \$7,340.00 a year. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### PUBLIC DEFENDER AGREEMENT

Bradley Kalkwarf submitted the Public Defender Agreement beginning July 1, 2008 and ending June 30, 2010 in the amount of \$35,200.00.

After discussion, Mueller moved and Capek seconded the motion to approve the Public Defender Agreement beginning July 1, 2008 and ending June 30, 2010. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

### HOSPITAL BOND REFINANCING

Gary Kudlacek, with Fillmore County Hospital and Dan Smith with D.A. Davidson & Company presented that the Hospital would like to refinance the bonds that they currently have to save on costs due to interest rates.

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

#### RESOLUTION 2008-16

**A RESOLUTION OF THE COUNTY OF FILLMORE, NEBRASKA AUTHORIZING AND APPROVING LEASE-PURCHASE AGREEMENT SUPPLEMENT NUMBER THREE AND SITE LEASE AMENDMENT NUMBER THREE BETWEEN THE COUNTY AND FILLMORE COUNTY LEASING CORPORATION WITH RESPECT TO REFUNDING FILLMORE COUNTY LEASING CORPORATION (A) LEASE RENTAL REVENUE BONDS, SERIES 1998 (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT) DATED MAY 1, 1998 AND (B) LEASE RENTAL REVENUE BONDS, SERIES 2005A (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT) DATED JUNE 17, 2005; APPROVING THE ISSUANCE BY THE CORPORATION OF NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000) IN PRINCIPAL AMOUNT OF ITS LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2008 (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT); DELEGATING, AUTHORIZING AND DIRECTING THE CHIEF EXECUTIVE OFFICER OF FILLMORE COUNTY HOSPITAL TO EXERCISE HIS INDEPENDENT JUDGEMENT AND ABSOLUTE DISCRETION IN APPROVING THE PRINCIPAL AMOUNT, RATES OF INTEREST AND THE OTHER TERMS AND PROVISIONS WITH RESPECT TO SUCH BONDS; PROVIDING FOR THE TIME WHEN THIS RESOLUTION SHALL TAKE EFFECT; AND RELATED MATTERS.**

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

**Section 1.** The Board of Supervisors (the “**Board**”) of the County of Fillmore, Nebraska (the “**County**”) hereby find and determine as follows:

- (a) The County is authorized pursuant to Section 23-3114, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), to enter into contracts for the lease of real or personal property for any purpose for which the County is authorized by law to purchase property or construct improvements, which contracts are not restricted to a single year, and may provide for the purchase of the property in installment payments.
- (b) The Fillmore County Leasing Corporation (the “**Corporation**”) is a nonprofit corporation duly organized and existing under the Nebraska Nonprofit Corporation Act, Chapter 21, Article 19, Reissue Revised Statutes of Nebraska, as amended (the “**Nonprofit Corporation Act**”), for the purpose of acquiring property of any kind and nature, usable or useful to the County in performing its governmental functions and leasing the same to the County.
- (c) Pursuant to the provisions of the Act, to maintain and preserve the health, safety and welfare of the residents of the County, the County has previously entered into (1) a Lease-Purchase Agreement, dated as of May 1, 1998 (the “**1998 Lease Agreement**”), with the Corporation to pay the costs of acquiring, constructing, equipping and furnishing an addition and other improvements to Fillmore County Hospital (the “**Hospital**”) use of the Hospital (collectively, the “**1998 Project**”), (2) Lease-Purchase Agreement Supplement and Amendment Number One, dated June 17, 2005 (“**Lease Supplement No. 1**”), with the Corporation to pay a portion of the costs of acquiring, constructing, equipping and furnishing an addition and other improvements to Fillmore County Hospital (collectively, the “**2005 Project**”), and (3) Lease-Purchase Agreement Supplement and Amendment Number Two, dated November 29, 2005 (“**Lease Supplement No. 2**”), with the Corporation to pay

the remaining costs of the 2005 Project. The 1998 Lease Agreement, as amended and supplemented from time to time, including, without limitation, Lease Supplement No. 1 and Lease Supplement No. 2, is referred to as the **“Lease Agreement.”**

- (d) In connection with the execution and delivery of the 1998 Agreement, the Lease-Purchase Supplement No. 1 and the Lease-Purchase Supplement No. 2, pursuant to (1) a Trust Indenture, dated as of May 1, 1998 (the **“1998 Indenture”**), between the Corporation and Geneva State Bank, as trustee (the **“Trustee”**), the Corporation issued \$1,965,000 principal amount of its Lease Rental Revenue Bonds, Series 1998 (Fillmore County, Nebraska Hospital Project), dated May 1, 1998 (the **“1998 Bonds”**), to finance the costs of the 1998 Project, (2) Trust Indenture Supplement Number One, dated June 17, 2005 (**“Indenture Supplement No. 1”**), the Corporation issued \$760,000 principal amount of its Lease Rental Revenue Bonds, Series 2005A (Fillmore County, Nebraska Hospital Project), dated June 17, 2005 (the **“2005A Bonds”**), to finance a portion of the costs of the 2005 Project, and (3) Trust Indenture Supplement Number Two, dated November 29, 2005 (**“Indenture Supplement No. 2”**), the Corporation issued \$240,000 principal amount of its Lease Rental Revenue Bonds, Series 2005B (Fillmore County, Nebraska Hospital Project), dated November 29, 2005 (the **“2005B Bonds”**), to finance the remaining costs of the 2005 Project. The 1998 Indenture, as amended and supplemented from time to time, including, without limitation, Indenture Supplement No. 1 and Indenture Supplement No. 2, is referred to as the **“Indenture.”**
- (e) All of the outstanding 1998 Bonds and 2005A Bonds (the **“Refunded Bonds”**) remain unpaid and are a legal liability against the Corporation, provision for the payment of all or any part of which may be made by the lawful issuance and sale of refunding bonds of the Corporation pursuant to the Nonprofit Corporation Act.
- (f) Since the issuance of the Refunded Bonds, the rates of interest available in the markets have declined so that the Corporation can effect a savings in interest costs by providing for payment and redemption of all or part of the Refunded Bonds, through the issuance of refunding bonds of the Corporation, and the County can effect a reduction in its rental payments under the Lease Agreement.
- (g) The County has on hand no debt service or other sinking fund money for the payment of rentals under the Lease Agreement sufficient to pay the principal and interest on the Refunded outstanding 1998 Bonds and 2005A Bonds.
- (h) The County has carefully considered the options available to it with respect to refunding the outstanding 1998 Bonds and the 2005A Bonds and has determined that the issuance by the Corporation of its Lease Rental Revenue Refunding Bonds, Series 2008 (Fillmore County, Nebraska Hospital Project) (the **“2008 Bonds”**) in an aggregate principal amount not to exceed One Million Three Hundred Fifty Thousand Dollars (\$1,350,000), is necessary, desirable, advisable and in the best interests of the County and is hereby accepted and approved by the County.
- (i) The County will have a beneficial interest in the Corporation and will have exclusive beneficial possession and use of the Project while the 2008 Bonds remain outstanding and the County will obtain full legal title to the Project upon the payment in full of the 2008 Bonds.

**Section 2.** The Lease-Purchase Agreement Supplement Number Three, dated the date of the execution and delivery thereof (**“Lease Supplement No. 3”**), amending and supplementing the Lease Agreement is substantially the form attached hereto as **Exhibit A** and made a part hereof by reference, is hereby approved. The Chair, upon advice of the County Attorney and bond counsel, is hereby authorized to make such changes, additions or deletions with respect to Lease Supplement No. 3 as may be in the best interests of the County and the Corporation to provide for the payment and redemption of the Refund Bonds prior to the signing thereof.

**Section 3.** The Site Lease Amendment Number Three, dated the date of the execution and delivery thereof (**“Site Lease Amendment No. 3”**), amending and supplementing the Site Lease, dated as of May 1, 1998 (the **“1998 Site Lease”**) (the 1998 Site Lease, as amended and supplemented from time to time, including, but not limited to Site Lease Amendment No. 3 and all other supplements or amendments thereto are collectively referred as the **“Site Lease”**), between the County and the Corporation with respect to the real estate upon which the 1998 Project and the 2005 Project are located, in substantially the form attached hereto as **Exhibit B** and made a part hereof by reference, is hereby approved. The Chair, upon advice of the County Attorney and bond counsel, is hereby authorized to make such changes, additions, or deletions with respect to the Site Lease as may be in the best interest of the County and the Corporation to carry out the 2008 Project prior to the signing thereof.

**Section 4.** The issuance, sale and delivery by the Corporation of its Lease Rental Revenue Refunding Bonds, Series 2008 (Fillmore County, Nebraska Hospital Project) dated the date of delivery thereof and payment therefore (the **“2008 Bonds”**) in a principal amount not to exceed \$1,350,000 to provide funds to provide for the payment and redemption of the Refunded Bonds, the terms of which are set forth in Indenture Supplement Number Three, dated the date of the execution and delivery thereof (**Indenture Supplement No. 3”**), between the Corporation and the Trustee, amending and supplementing the Indenture, in substantially the form attached hereto as **Exhibit C** and made a part hereof by reference, is hereby approved. The sale of the 2008 Bonds to D. A. Davidson pursuant to a Bond Purchase Agreement (the **“Purchase Agreement”**) at a price not less than 98.5% of the principal amount thereof plus accrued interest, if any, to the day of delivery, is hereby approved.

**Section 5.** The 2008 Bonds shall be issued in an aggregate principal amount not to exceed \$1,350,000 and shall bear interest at an interest rate not to exceed five percent per annum (5.00%). The Chief Executive Officer of the Hospital is hereby authorized and directed to approve the principal amount of 2008 Bonds to be issued and the principal maturities, interest rates and redemption provisions thereof and to take all necessary actions and execute all necessary documents to effect the sale of the 2008 Bonds.

**Section 6.** The County makes the following representations in connection with the exception for small governmental units from the arbitrage rebate requirements under Section 148(f)(4)(C) of the Internal Revenue Code of 1986, as amended (the “**Code**”):

- (a) the Corporation is issuing the 2008 Bonds on behalf of the County pursuant to Revenue Procedure 82-26;
- (b) the County has general taxing powers;
- (c) 95% or more of the net proceeds of the 2008 Bonds are to be used for local governmental activities of the County; and
- (d) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) to be issued by the Corporation, the County and all entities subordinate to the County during calendar year 2008, including the Bonds, is not reasonably expected to exceed \$5,000,000.

Pursuant to Section 148(f)(4)(C)(iv) of the Code, the County hereby allocates up to \$1,350,000 of its \$5,000,000 limitation for calendar year 2008 to the Corporation.

**Section 7.** The County hereby acknowledges that the Corporation has designated the 2008 Bonds to be “qualified tax-exempt obligations” as such terms is defined in Section 265(b)(3) of the Code. The County hereby represents that:

- (a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds) which will be issued by or on behalf of the County and all entities subordinate to the County during calendar year 2008 does not exceed \$10,000,000; and
- (b) the aggregate principal amount of obligations designated by the County as “qualified tax-exempt obligations” during calendar year 2008, including the 2008 Bonds, does not exceed \$10,000,000.

The Chair is hereby authorized to take such other action as may be necessary to make effective the designation in this **Section 7**.

**Section 8.** The County will accept from the Corporation conveyance of unencumbered fee title to the 1998 Project and the 2005 Project after all the 2008 Bonds have been paid or payment therefore has been provided for in accordance with the herein approved Indenture.

**Section 9.** The Chair, Clerk, Deputy Clerk, Treasurer, Deputy Treasurer, County Attorney, any Deputy County Attorney and the Chief Executive Office of the Hospital are hereby authorized to execute and deliver for and on behalf of the County all additional certificates, documents, opinions or other papers and to perform all other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized, including, without limitation, the issuance of the 2008 Bonds and to call for redemption of the Refunded Bonds.

**Section 10.** All resolutions, orders or ordinances, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict or conflicts, hereby repealed.

**Section 11.** This resolution shall take effect and be in full force after its passage and adoption as provided by law.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the resolution adopted.

### **CLOSED SESSION**

Mueller moved and Capek seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personal items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried and requested that the Emergency Manager, County Sheriff, and the County Clerk remain. Closed session began at 2:34 p.m.

### **RETURN TO REGULAR SESSION**

Capek moved and Mueller seconded the motion to return to open session at 2:50 p.m. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

### **2006 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**

June 24, 2008

After discussion, Simacek moved and Capek seconded the motion to approve and sign the 2006 Law Enforcement Terrorism Prevention Program grant adjustment notice in the amount of \$58,013.00. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **GIS WORKSHOP AGREEMENTS**

After discussion, Capek moved and Cerny seconded the motion to authorize the County Assessor to sign two agreements with GIS Workshop for office support and web support in the amount of \$12,000.00. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

#### **AGREEMENT WITH STATE OF NEBRASKA**

Kimbrough moved and Capek seconded the motion to approve and sign the Letter of Agreement with the State of Nebraska, Department of Roads for the purpose of providing funding to assist the Fillmore County Rural Transit program beginning July 1, 2008 and ending June 30, 2009. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Kimbrough, and Cerny  
Nays: None                      Abstaining: Simacek

The Chairman declared the motion carried.

#### **WITHDRAWING SECURITY**

Simacek moved and Cerny seconded the introduction of the following resolution:

##### **RESOLUTIONS 2008-17**

**RESOLVED**, that the Geneva State Bank, Geneva, Nebraska, be allowed to withdraw the following security held by Midwest Independent Bank to-wit:

CUSIP #079235BQ9 in the amount of \$100,000.00

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the resolution adopted.

#### **DISTRICT COURT BAILIFF**

District Judge, Vicky Johnson submitted a budget request for the bailiff in the amount of \$6,344.87 for 2008-2009 budget request which is an increase in the amount of \$569.31 from 2007-2008. Budget request will be addressed later during the budget process.

#### **AGING SERVICE COMMISSION**

Mueller moved and Galusha seconded the motion to appoint Kathy Erdkamp to the Fillmore County Aging Service Commission beginning July 1, 2008 and ending June 30, 2011. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **PUBLIC HEALTH SOLUTIONS BOARD**

Galusha moved and Mueller seconded the motion to appoint Craig Shumard, MD to the Public Health Solutions District Board of Health. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **DEFICIT APPROPRIATION**

Simacek moved and Mueller seconded the introduction of the following resolution:

##### **RESOLUTION 2008-18**

**WHEREAS**, all of the funds in the 2008-2009 budget for the Surveyor has been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in this budgets to meet all obligations for the 2007-2008 budget year,

**NOW THEREFORE**, Be it Resolved by the Fillmore County Board of Supervisors that a need does exist for additional funds and that the sum of \$6,228.50 be appropriated to the Surveyor budget from the unused funds in the County Assessor account of the General Fund Budget for 2007-2008 of said County.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the resolution adopted.

#### **DEFICIT APPROPRIATION**

Cerny moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-19**

**WHEREAS**, all of the funds in the 2008-2009 budget for the County Attorney and Veteran's Service Office has been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in this budgets to meet all obligations for the 2007-2008 budget year,

**NOW THEREFORE**, Be it Resolved by the Fillmore County Board of Supervisors that a need does exist for additional funds and that the sum of \$133.50 be appropriated to the County Attorney and \$857.50 be appropriated to the Veteran's Service Office budget from the unused funds in the Miscellaneous account of the General Fund Budget for 2007-2008 of said County.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the resolution adopted.

#### **ADJOURMENT**

Agenda items "Tree Grant, Tree Policy, Tree Project, Driver's License check, and Appraisal Contract" were tabled until a future Board meeting. As there were no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:15 a.m., July 8, 2008. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:15 a.m., July 8, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:20 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the June 24<sup>th</sup> Board meeting as presented.

#### **FEE REPORTS**

Simacek moved and Galusha seconded the motion to approve the fee reports for the month of June, 2008:

**County Clerk:** \$5,870.00 (State \$2,495.02 & County \$3,374.98)  
**Clerk of District Court:** \$338.93  
**Sheriff:** \$1,542.83

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Kimbrough moved and Capek seconded the motion to approve the following applications for driveway permits:

EB Farms – replace culvert and extend to 20 to 25' driveway in the SW ¼, Section 7-5-2, Belle Prairie Township;  
Marian Myers – replace culvert and extend to 30' driveway in the NE ¼, Section 16-6-2, Chelsea Township;  
John Lentfer Trust – remove existing driveway and install a new driveway to the south in the NW ¼, Section 26-5-2, Belle Prairie Township;  
K & K Myers – move existing driveway approx. 50' to the west in the N ½ of the NE ¼, Section 35-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT PERMITS**

Capek moved and Cerny seconded the motion to approve the following application to clean silt from the road ditch:

K & K Myers – clean silt from the road ditch on the north side of the N ½ of the NE ¼, Section 35-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Kimbrough moved and Galusha seconded the motion to approve the application to occupy county right-of-way:

Nustar Energy, LP – to bury a cathodic protection groundbed in the NW ¼, Section 7-6-3, Stanton Township. Nustar Energy, LP agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, Kimbrough  
Nays: None

The Chairman declared the motion carried.

### **TREE REMOVAL POLICY**

Joyce Votipka, Janet Stephenson, Shirley Trauger, Jeanie and Dave Wythers, and Jerry Chapman were present to discuss the tree removal policy.

After discussion, Kimbrough moved and Mueller seconded the motion to change the last paragraph of Section 2, item B to read "If the owner wants the live tree completely removed that is on the right of way line, the owner shall pay 100% of the cost to remove and dispose of the tree by others rather than Fillmore County.

After further discussion, Kimbrough amended the motion and Mueller seconded to change Section 3 to read "Written Agreements shall be obtained when cutting trees and/or branches where the landowner is responsible for 50% of the cost, when the trees are declared a nuisance by the Fillmore County Supervisors.

Upon roll call, the vote was as follows on the amendment:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

Upon roll call, the vote was as follows on the original motion:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

### **STUDY OF ROADWAY**

Galusha moved and Cerny seconded the introduction of the following resolution:

#### **RESOLUTION 2008-20**

**WHEREAS**, The Fillmore County Board of Supervisors directed the County Highway Superintendent to make a study of use of County Road B, inside Section 9-8-3, West Blue Township and to submit within thirty (30) days a written report of his recommendation of closing this road.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the resolution adopted.

### **SOFT MATCH PROJECT #C003003710, CHELSEA TOWNSHIP**

Kimbrough moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-21**

**WHEREAS**, The County Board of Supervisors of Fillmore County hereby authorize the County Board Chairman and the County Highway Superintendent to sign on behalf of the County, a Certification of Compliance for Structure No. C003003710 located in Section 36, Chelsea Township.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the resolution adopted.

### **SOFT MATCH PROJECT #C003004215, FRANKLIN TOWNSHIP**

Capek moved and Simacek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-22**

**WHEREAS**, The County Board of Supervisors of Fillmore County hereby authorize the County Board Chairman and the County Highway Superintendent to sign on behalf of the County, a Certification of Compliance for Structure No. C003004215 located between Sections 10-15, Franklin Township.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the resolution adopted.

**GENEVA TOWNSHIP ROAD**

County Highway Superintendent, Elmer Hessheimer presented an estimate of \$18,747.39 to grade and gravel County Road J between Road 12 and Hwy. 81, Geneva Township as requested at the last Board meeting.

After discussion, the Board agreed that the County could not afford to take over this township road if the township could not afford to grade and gravel it first.

**FILLMORE COUNTY HOSPITAL**

Larry Eichelberger introduced Paul Utemark, new Fillmore County Hospital CEO to the Board and gave an update on the hospital. Paul then gave the Board a brief history of himself.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

A-1 Body & Glass	Rep	\$ 411.20
Howard F. Ach, Atty.	Rent, Post	3,182.23
Ameritas Life Insurance Corp.	Ret	2,696.68
Aquila	Uti	77.43
Auto Value Parts Stores	Rep	5.58
Axis Capital, Inc.	Ser	243.32
Marlin W. Bahe	Rep	40.00
Blue Cross/Blue Shield of Nebraska	Insur	15,411.99
Blue Valley Community Action Partnership	Budget request	5,000.00
City of Geneva	Uti	215.40
Corner Stop	Fuel	95.35
Crete Auto Supply Inc.	Rep	132.00
Jill R. Cunningham	Mile	36.36
Geraldine Daniels	Mile	52.52
Robert Dumpert	Mtgs, Mile	60.30
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	69.24
Fillmore County Hospital	Ser	150.00
Fillmore County Treasurer	Interest	28.27
First Concord Benefits Group, LLC	Ser	33.00
Geneva State Bank	SS	2,837.39
Geneva Welding & Supply, Inc.	Rep	44.00
Matt Harre	Mtgs, Mile	93.48
Holiday Inn Kearney	Lodging	137.90
Hometown Leasing	Ser	576.21
Jim's Repair	Rep	32.25
Kerry's Auto Repair & Service	Rep	98.33
Kustom Signals, Inc.	Equip, Rep	273.46
Gary L. Latimer	Ser	71.50
Thomas Manning	Mtgs, Mile	24.09
Mark Morgan	Mtgs, Mile	81.36
Morley Most	Mtgs, Mile	90.45
Marvin Nadherny	Mtgs, Mile	54.24
Nebraska Association of County Officials	Dues	1,195.65
The Nebraska Signal	Pro, Ads, Sup	1,252.29
Amy Nelson	Mile	103.02
Nick's Farm Store, Co.	Rep	62.85
NIRMA	Insur	45,313.90
Merle Noel	Mtgs, Mile	46.16
Reg Noel	Mtgs, Mile	31.16
Norrie Construction	Rep	55.65
Patrice's Specialties	Rep	62.50
Platte Valley Communications	Sup	59.90
Ralph's Geneva Tire & Service Center	Rep	278.68
Region V Services	Budget request	2,952.25
Secretary of State/Election Division	Sup	4.00
Seiler & Parker, P.C.	Ser, Mile	1,641.04
Shell Fleet Plus	Fuel	3,014.26
Southeast Nebraska Development Dist.	Dues	7,170.00
Spencer Fane Britt & Browne, LLP	Ser	220.00
State of Nebraska Central Finance	Ser	448.00
State of Nebraska Public Health Envir.	Ser	234.00
Symbol Arts	Souvenirs	3,186.20
University of Nebraska – College of Law	Ser	15.75



		July 8, 2008
UNL IS-Telecommunications	Uti	14.66
Village of Grafton	Election Rent & Set-up	55.00
Windstream	Uti	220.27
York County Sheriff	Ser	36.12
Payroll	Salaries	39,359.73
<b><u>ROAD/BRIDGE FUND:</u></b>		
Alltel	Uti	86.79
Ameritas Life Insurance Corp.	Ret	1,573.58
Aquila	Uti	79.35
Blue Cross/Blue Shield of Nebraska	Insur	9,807.63
City of Geneva	Bldg. & Uti	16,560.20
Corner Stop	Fuel	634.85
Dorchester Farmers Coop	Fuel	2,526.30
Farm Plan	Parts, Rep, Sup	636.77
4M Farm	Right of Way, Easement	1,860.00
Geneva State Bank	SS	1,726.07
Geneva Welding & Supply, Inc.	Sup, Parts	178.38
Pat Halbur	Mile	54.54
Heath Machine Shop	Rep	125.00
Lichti Oil	Fuel	7,797.81
Nebraska Iowa Industrial Fasteners	Sup	95.76
Nichols Construction	Gravel	23,277.67
Nick's Farm Store	Rep	25.73
NIRMA	Insur	63,418.30
Perennial Public Power	Uti	26.72
Power Plan	Parts	13.24
R & D Parts	Parts	208.08
Ralph's Geneva Tire & Service	Sup, Rep	264.47
Sahling Kenworth, Inc.	Parts	62.27
Shell	Fuel	2,202.79
Village of Fairmont	Uti	33.77
Village of Grafton	Uti	21.07
Village of Milligan	Uti	24.42
Payroll	Salaries	23,902.58
<b><u>ECONOMIC DEVELOPMENT – TOURISM:</u></b>		
Hanna Keelan Associates, PC	Housing Study	5,400.00
Nebraska Travel Association	Dues	75.00
Southeast Nebraska Development Dist.	Housing Study	987.94
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Insur	129.92
Janet Bartak	Mile	36.36
Blue Cross/Blue Shield of Nebraska	Insur	934.06
Geneva Senior Center	Rent, Uti, Sup, USDA	1,494.29
Geneva State Bank	SS	164.61
Brenda Motis	Mile, Sup	54.74
NIRMA	Insur	176.80
Ohiowa Café	HDM's	136.50
Ron's Tavern	HDM's	284.75
Shell Fleet Plus	Fuel	47.16
Payroll	Salaries	2,167.53
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	June taxes	909.63
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	77.93
Blue Cross/Blue Shield of Nebraska	Insur	467.03
Geneva State Bank	SS	425.73
NIRMA	Insur	2,125.00
Payroll	Salaries	5,565.07

#### CLAIMS APPROVED

Cerny moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, and Simacek  
Nays: None Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

#### APPRAISAL CONTRACT

After discussion, Capek moved and Kimbrough seconded the motion to approve the appraisal contract with Knoche Appraisal & Consulting, LLC beginning July 1, 2008 and ending June 30, 2009 at a rate of \$525.00 per day plus mileage at the current County rate. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**MILEAGE RATE**

Simacek moved and Galusha seconded the motion to set the mileage rate for travel on county business to 58.5 cents as determined by the Nebraska Department of Administrative Services and the rate for the Sheriff at 61.5 cents per mile for serving papers effective July 1, 2008. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**EMERGENCY PROTECTIVE CUSTODY SERVICES**

After discussion, Mueller moved and Capek seconded the motion to approve the Emergency Protective Custody Services contract with Region V Systems beginning July 1, 2008 and ending June 30, 2009 at a rate of \$110.00 per individual per day. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**WITHDRAWING SECURITY**

Cerny moved and Kimbrough seconded the introduction of the following resolution:

**RESOLUTIONS 2008-23**

**RESOLVED**, that the Geneva State Bank, Geneva, Nebraska, be allowed to withdraw the following security held by NBC to-wit:

PAR #38564FM1 in the amount of \$110,000.00

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**ADJOURMENT**

Agenda items “Tree Removal Project and Metal Tech Partners documents” were tabled until a future Board meeting. As there were no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:30 a.m., July 22, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:30 a.m., July 22, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 12:43 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the July 8<sup>th</sup> Board meeting as presented.

#### **TREE GRANT**

Terri Volkmer and Brandy VanDeWalle presented to the Board to apply for the tree grant again and replace trees in the courtyard. After discussion, the Board directed them to apply for this grant which the project would need to be completed by the end of 2009.

#### **DRIVEWAY PERMITS**

Capek moved and Galusha seconded the motion to approve the following applications for driveway permits:

Mitch Hedden – to install a new 30' to 40' driveway on the east side of the NE ¼, Section 14-7-3, Geneva Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

#### **HIGHWAY SUPERINTENDENT STUDY**

John Lowe with West Blue Township asked a few questions regarding what would happen to the two bridges and the road. Both items would be discussed further with the landowners and the Board at a later date.

After discussion, Galusha moved and Kimbrough seconded the introduction of the following resolution:

#### **2008-24**

**WHEREAS**, the County Board directed the County Highway Superintendent, by resolution, to study the use being made of the public road on the inside of Section 9, T8N, R3W in West Blue Township.

**WHEREAS**, a written report was submitted by the County Highway Superintendent recommending to close and vacate the roadway inside of Section 9-8-3, West Blue Township.

The Fillmore County Highway Superintendent further recommends that the vacated roadway be closed with the approval of the West Blue Township. If approved by the township the ownership of the county road right-of-way could be reverted to the adjacent landowners.

**NOW THEREFORE** be it Resolved by the Fillmore County Board of Supervisors that a hearing be set for 9:35 a.m., August 12, 2008 to hear testimony concerning the proposed abandonment of the roadway inside Section 9-8-3, West Blue Township.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Kimbrough, Cerny, and Mueller

Nays: None                      Abstaining: Simacek

The Chairman declared the resolution adopted.

#### **LOWER BIG BLUE NRD INTERLOCAL AGREEMENT**

Scott Sobotka with Lower Big Blue NRD presented an interlocal agreement between the County and the NRD to have interest in the operation and maintenance of Lower Turkey Creek Site 3 Flood Control Structure.

After discussion, Mueller moved and Cerny seconded the motion to approve the interlocal agreement with the Lower Big Blue NRD for the Lower Turkey Creek Site 3 Flood Control Structure, and it be placed on file in the County Clerk's Office. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha

Nays: None

The Chairman declared the motion carried.

### **DRAINAGE LANDOWNERS**

After discussion, Galusha moved and Capek seconded the motion to approve the Chairman to sign letters to the two landowners in the NE ¼, Section 18, Grafton Township to clean out the ditches. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### **MOTEL BILL**

After discussion, Simacek moved and Capek seconded the motion to accept and pay the motel bill from Mrs. Waring for the amount of \$89.48 due to the fact that she could not get in her driveway during road construction. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Mueller, Galusha, and Capek

Nays: Cerny and Yates

The Chairman declared the motion carried.

### **MADISON TOWNSHIP DRAINAGE ISSUE**

Kent Theobald and John Lowe were present for discussion. Chairman of the Board read a letter presented from Marlene Buerer.

After discussion, Cerny moved and Mueller seconded the motion to have the Highway Superintendent contract with Speece Lewis to survey the land a 100 yards North of Road J all the way to Turkey Creek and give the Board an opinion and drainage plan around Sections 21 & 22, Madison Township. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None                      Abstaining: Simacek

The Chairman declared the motion carried.

### **JUVENILE DIVERSION PROGRAM**

Dave Wythers informed the Board that there was a grant that he could apply for from Lancaster County for the juvenile diversion program that has not been applied for before. He would like to not apply for the Crime Commission grant any longer due to the amount of work that it takes.

After discussion the Board decided that Dave needs to apply for the grant with the Crime Commission and the grant with Lancaster County that are available to Fillmore County for this program.

### **REGION V SYSTEMS**

Sandy Morrissey with Region V Systems informed the Board that the Fillmore County Coalition will be receiving \$3,950.00 from the Prevention Federal Block Grant. Fillmore County Coalition has applied for another grant that will be awarded in mid August.

### **BLUE VALLEY COMMUNITY ACTION & HOPE CRISIS CENTER**

Richard Nation, Director of Blue Valley Community Action (BVCA) and Carmen Hinman, Executive Director of Hope Crisis Center discussed with the Board their budget requests since the domestic abuse is no longer incorporated with BVCA. Hope Crisis Center is recognized by the State for domestic abuse.

### **JAIL INSPECTION**

Jail inspection was completed with everything looking in proper order.

### **TAX FORECLOSURES**

After discussion and at the request of the County Treasurer, Simacek moved and Capek seconded the introduction of the following resolution:

### **RESOLUTION 2008-25**

**WHEREAS**, the County Treasurer of Fillmore County has reported in writing to the County Board setting out a complete list of all parcels of real estate in the county on which taxes are delinquent and which were not sold for want of bidders at the last annual tax sale held in Fillmore County and said real estate taxes have been delinquent for a period of three years or more.

**WHEREAS**, the County Board has examined the same and while it may direct the issuance of tax sale certificates to the County upon any parcel of real estate upon which there are any delinquent taxes, it shall, as to all parcels of real estate upon which taxes are delinquent for three or more years, either enter an order directing

the foreclosure of the lien of such taxes or shall enter an order for the County Treasurer to issue tax sale certificates to the County covering the delinquent taxes upon such parcels of real estate, to the foreclosed in the manner provided in Section 77-1901 to 77-1918, Nebraska Revised Statutes.

**WHEREAS**, more than two consecutive years have elapsed upon real estate which has been offered for sale and not sold for want of bidders; and

**WHEREAS**, more then three years have elapsed since the issuance of such respective certificates of tax sale and by reason thereof the right of redemption of the owners or claimants of such respective tracts has expired;

**BE IT RESOLVED** that the County Board shall direct the County Attorney to commence foreclosure on such liens or certificates on all real estate which has heretofore been advertised and offered for sale and remains unsold for want of bidders and certificates of tax sale issued thereon.

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the resolution adopted.

**METAL TECH PARTNERS**

After discussion, Kimbrough moved and Mueller seconded the motion to authorize the Chairman of the Board to sign the quitclaim deed, termination of the lease, and bill of sale for Metal Tech Partners in regards to the Industrial Development Revenue Bonds (Metal-Tech Partners Project) Series 2000. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

A-1 Body & Glass	Rep	\$ 499.90
Alltel	Uti	112.96
Ameritas Life Insurance Corp.	Ret	2,813.83
Aramark Uniform Services, Inc.	Ser	499.13
Bear Graphics, Inc.	Sup	160.40
Blue Cross Blue Shield of Nebraska	Insur	15,879.02
Bottorf & Maser, Atty.	Ser	308.75
Chaney Chemical, Inc.	Sup	459.90
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Dell Marketing, L.P.	Sup	228.93
Douglas County Clerk of District Court	Ser	4.75
Duckwall – Alco Stores, Inc.	Sup	40.99
Eakes Office Plus	Sup	793.89
Erdkamp Motors	Rep	57.18
Executive Copier Services	Ser	121.02
Farmer & Son Funeral Homes	Ser	404.50
Fillmore County Clerk of District Court	Misc.	143.52
Fillmore County Court	Fees	531.25
Fillmore County Treasurer	Post, Uni, Taxes	8,586.66
Gambles	Sup	70.33
The Garbage Company	Ser	151.76
Geneva State Bank	Ser, SS	2,984.55
Norma Gregory	Ret	25.00
Hometown Leasing	Ser	128.44
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Copies	2,731.92
Stephen J. Kraviec	Ser, Post	1,709.11
Lafayette Life Insurance Co.	Insur	170.35
Lease Consultants Corp.	Ser	249.00
Maximus, Inc.	Ser	684.34
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Ser	2,301.52
Bob Mueller	Mile	381.71
Rich Mueller / Thomas Biegert	Rent	675.00
Nebraska Public Power Dist.	Uti	2,046.83
The Nebraska Signal	Sup, Ad	297.10

July 22, 2008

Neopost, Inc.	Ser	432.60
Paper Tiger Shredding	Ser	50.00
Secretary of State Rules & Regulations	Ser	20.00
Spencer Fane Britt & Brown, LLP	Ser	440.00
State of Nebraska AS Central Finance	Ser	55.14
Brandy VanDeWalle	Mile, Meals	201.91
Weaver Pharmacy	Sup	62.92
West Payment Center	Subscription	389.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,190.98
Payroll	Salaries	40,984.61

**ROAD/BRIDGE FUND:**

Auto Value Parts Stores	Parts, Sup	405.61
Ameritas Life Insurance Corp.	Ret	1,608.93
Blue Cross Blue Shield of Nebraska	Insur	9,807.63
Casey's General Store	Fuel	3,433.39
Century Lumber Center	Parts, Sup	69.96
Dorchester Farmers Coop	Fuel	431.58
Filter Care of Nebraska	Parts	60.70
Gambles	Sup, Misc.	23.93
The Garbage Company	Ser	73.07
Geneva State Bank	SS	1,767.17
Ralph Gould	Ret	18.00
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	88.89
Lichti Oil	Fuel, Parts, Sup	6,397.81
Midwest Service & Sales	Sup	17.50
NMC, Inc.	Parts, Sup	2,376.93
Nebraska Bolt	Sup	78.68
Nebraska Public Power	Uti	287.75
Newman Traffic Signs	Sup	231.76
Overland Sand & Gravel	Gravel	2,970.05
Speece Lewis Engineers	Ser	1,318.90
Superior Deshler, Inc.	Fuel	231.74
Village of Exeter	Uti	15.00
Windstream	Uti	132.35
Payroll	Salaries	24,439.73

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	June Patient Care	267.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.16
Blue Cross Blue Shield of Nebraska	Insur	934.06
Geneva State Bank	SS	155.05
Lafayette Life Insurance Company	Insur	9.00
Payroll	Salaries	2,042.48

**NOXIOUS WEED FUND:**

Action Auto Supply	Rep	121.24
Alltel	Uti	38.28
Ameritas Life Insurance Corp.	Ret	86.64
Blue Cross Blue Shield of Nebraska	Insur	467.03
Gaylord Craddock	Mile	51.51
Merlin Ehmen	Rent	220.00
Ekeler Repair	Rep, Parts	254.35
Geneva State Bank	SS	321.12
Grafton Mini Mart	Fuel	925.89
Frances Heinrichs	Mile	51.51
Ronald Isley	Mile	39.39
Lafayette Life Insurance Company	Insur	1.36
Lichti Oil	Fuel	1,387.45
Platte Valley Communications	Sup	29.95
Road Builders	Sup	271.26
Tim Schepers	Mile	8.08
Payroll	Salaries	4,197.78

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	108.07
Windstream	Uti	985.88

**CLAIMS APPROVED**

Kimbrough moved and Cerny seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**SITE SUB-LEASE AGREEMENT WITH ALLTEL**

After discussion, Mueller moved and Simacek seconded the motion to authorize the Chairman of the Board to sign the documents pertaining to the “Tower Attachment Communications Site Sub-Lease Agreement with Alltel Communications, LLC. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**VETERAN’S SERVICE BOARD**

Galusha moved and Capek seconded the motion to reappoint Harold Long to the Veteran’s Service Board for a five year term beginning July 1, 2008 to June 30, 2013. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

**ADJOURMENT**

As there were no other items to come before the Board, Capek moved and Cerny seconded the motion to adjourn until 9:15 a.m., August 12, 2008. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 10:00 a.m., August 6, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Galusha, and Capek. Mueller was absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by posting in three different locations and by broadcasting on radio station KAWL. 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 meeting adjourned at 10:22 a.m.

**RATIFY & CONFIRM ALL ACTIONS TAKEN AT THE JUNE 24<sup>TH</sup> MEETING**

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

**RESOLUTION 2008-26**

**RESOLUTION TO RATIFY AND CONFIRM ALL ACTION TAKEN AT THE MEETING HELD JUNE 24, 2008 BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FILLMORE, NEBRASKA, INCLUDING, WITHOUT LIMITATION, ADOPTION OF A RESOLUTION AUTHORIZING AND APPROVING LEASE-PURCHASE AGREEMENT SUPPLEMENT NUMBER THREE AND SITE LEASE AMENDMENT NUMBER THREE BETWEEN THE COUNTY AND FILLMORE COUNTY LEASING CORPORATION WITH RESPECT TO REFUNDING CERTAIN FILLMORE COUNTY LEASING CORPORATION BONDS; AND RELATED MATTERS**

**BE IT RESOLVED** by the Board of Supervisors (the “**Board**”) of the County of Fillmore, Nebraska;

**Section 1.** The Board hereby finds and determines that the Board held a regular meeting on June 24, 2008, at which it transacted all of the business on the agenda attached hereto as **Exhibit A**, including, without limitation, the adoption of Resolution 2008-16 titled as follows (the “**Resolution**”):

**RESOLUTION 2008-16**

**A RESOLUTION OF THE COUNTY OF FILLMORE, NEBRASKA AUTHORIZING AND APPROVING LEASE-PURCHASE AGREEMENT SUPPLEMENT NUMBER THREE AND SITE LEASE AMENDMENT NUMBER THREE BETWEEN THE COUNTY AND FILLMORE COUNTY LEASING CORPORATION WITH RESPECT TO REFUNDING FILLMORE COUNTY LEASING CORPORATION (A) LEASE RENTAL REVENUE BONDS, SERIES 1998 (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT) DATED MAY 1, 1998 AND (B) LEASE RENTAL REVENUE BONDS, SERIES 2005A (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT) DATED JUNE 17, 2005; APPROVING THE ISSUANCE BY THE CORPORATION OF NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$1,350,000) IN PRINCIPAL AMOUNT OF ITS LEASE RENTAL REVENUE REFUNDING BONDS, SERIES 2008 (FILLMORE COUNTY, NEBRASKA HOSPITAL PROJECT); DELEGATING, AUTHORIZING AND DIRECTING THE CHIEF EXECUTIVE OFFICER OF FILLMORE COUNTY HOSPITAL TO EXERCISE HIS INDEPENDENT JUDGEMENT AND ABSOLUTE DISCRETION IN APPROVING THE PRINCIPAL AMOUNT, RATES OF INTEREST AND THE OTHER TERMS AND PROVISIONS WITH RESPECT TO SUCH BONDS; PROVIDING FOR THE TIME WHEN THIS RESOLUTION SHALL TAKE EFFECT; AND RELATED MATTERS.**

The Board further finds and determines that the newspaper in which the County regularly publishes notices of its meetings failed to publish notice of the June 24, 2008 meeting (the “**Meeting**”) and in order to ensure the validity of all of the actions taken at the Meeting, including, without limitation, the passage and adoption of the Resolution, it is necessary and advisable to ratify and confirm all actions taken with respect to **Exhibit A** at the Meeting, including, without limitation, the passage and adoption of the Resolution.

**Section 2.** The Board hereby incorporates by reference all actions taken at the Meeting, including, without limitation, the passage and adoption of the Resolution as if fully set forth herein and hereby ratifies and confirms in all respects the all action taken at the Meeting, including, without limitation, the passage and adoption of the Resolution.

Upon roll call, the vote was as follows:

Ayes Kimbrough, Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the resolution adopted.

**ADJOURNMENT**

As there was no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:15 a.m., August 12, 2008. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman



The Fillmore County Board of Supervisors convened in open and public session at 9:15 a.m., August 12, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Galusha, and Capek. Kimbrough and Mueller were absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 2:25 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the July 22<sup>nd</sup> Board meeting as presented.

#### **FEE REPORTS**

Simacek moved and Cerny seconded the motion to approve the fee reports for the month of July:

**County Clerk:** \$7,280.69 (State \$3,978.32 & County \$3,302.37)  
**Clerk of District Court:** \$626.91  
**Sheriff:** \$589.40

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Cerny, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Capek moved and Galusha seconded the motion to approve the following applications for driveway permits:

Gene Nichols – install a new 40' driveway on the south side of the SE ¼ of Section 3-7-3, Geneva Township;

Gary Peppie & Kevin Kimbrough – install a new 40' driveway on the south side of the SE ¼, Section 9-5-1, Franklin Township.

Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Galusha moved and Cerny seconded the motion to approve the application to occupy county right-of-way:

Gary Peppie & Kevin Kimbrough – to bury a water line from the NE ¼ of Section 16 to the SE ¼ of Section 9-5-1, Franklin Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Windstream Communications – to bury communications cable between Section 25 and Section 36-8-3, West Blue Township. Windstream Communications agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **OPEN PUBLIC HEARINGS**

The public hearing to vacate the roadway right of way inside Section 9-8-3, West Blue Township was opened at 9:35 a.m., as advertised. Cal Hiebner, John Lowe, Bill Softley, and Brad Lauber were present for discussion on closing this road.

The public hearing on amending the One and Six Year Plan was also opened at 9:35 a.m., as advertised. No one appeared to testify for this hearing.

#### **CLOSE VACATE ROADWAY HEARING**

After discussion, the Chairman declared the public hearing to vacate the roadway right of way inside Section 9-8-3, West Blue Township be closed at 9:58 a.m. further discussion on this will be at the August 26, 2008 Board Meeting.

### **CLOSE ONE & SIX YEAR HEARING**

The Chairman declared the public hearing to amend the one and six year hearing be closed at 10:04 a.m. No one appeared to testify either for or against the proposal.

### **ONE & SIX YEAR PLAN**

Capek moved and Cerny seconded the introduction of the following resolution:

#### **RESOLUTION 2008-27**

#### **ACCEPTING THE REVISION TO THE ONE (1) & SIX (6) YEAR HIGHWAY IMPROVEMENT PROGRAM FOR THE COUNTY OF FILLMORE, NEBRASKA.**

**BE IT RESOLVED** by the Chairman and Supervisors of Fillmore County that:

It is hereby found and determined that:

- 1) The program for distribution of the Highway Allocation Funds provide additional funds to counties for road related maintenance and construction.
- 2) The County of Fillmore, Nebraska does hereby adopt the revision to the 2008-2009 One (1) and Six (6) Year Program as proposed by the Fillmore County Highway Superintendent, with the following changes: See Form 10-C-30(361) adding armor coating the Milligan South Roadway.

Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the resolution adopted.

### **MILLIGAN NORTHWEST PROJECT**

After discussion, Simacek moved and Capek seconded the introduction of the following resolution:

#### **RESOLUTION 2008-28**

**WHEREAS**, there has been signed by Fillmore County on the 12<sup>th</sup> day of July, 2005, and the State on the 19<sup>th</sup> day of July, 2005, an agreement providing for the construction of a Federal Aid Project at the following location: Beginning approximately 0.4 mile east of the Southwest Corner of Section 15, Township 7 North, Range 1 West and extends 0.2 mile east, crossing a tributary of Turkey Creek.

**WHEREAS**, in the above agreement, the County has pledged sufficient funds to finance its share of the cost of the construction of this project identified as BRO-7030(31), and

**WHEREAS**, the above mentioned agreement provided that the County would pay all costs not paid for with Federal or State funds, and

**WHEREAS**, the State received bids for the construction of this project on July 31<sup>st</sup>, 2008 at which time four bids were received for the construction of this proposed work, and

**WHEREAS**, the following contractor(s) for the items of work listed has been selected as the low bidder(s) to whom the contract(s) should be awarded:

L. J. Webb Contractor, Inc., Geneva, Nebraska; Grading, Culverts, and Guardrail: \$278,453.18

**NOW THEREFORE**, in consideration of the above facts, the Board of Supervisors of Fillmore County, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Board hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Board hereby authorizes the Chairman to sign the contract(s) with the above mentioned contractor(s) for the above mentioned work.
4. The Board does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Cerny

Nays: None

The Chairman declared the resolution adopted.

### **OIL CHANGE**

After discussion, Galusha moved and Simacek seconded the motion to go with Sinclair CJ-4 Oil in all machines and monitor. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, and Cerny

Nays: Simacek

The Chairman declared the motion carried.

### **TOWNSHIP VS. COMMISSIONERS**

At the request of the Townships the Board discussed the option of going to a commissioner style of government with Sterling Dyer, Larry Cudaback, and Don Bristol with Exeter-Fairmont; Allen Huber with Grafton; John Lowe with West Blue; Roger Pribyl with Glengary; Charlie Allgood, Larry Biester and James Oberlander with Geneva; Kent Myers and Jerry Engle with Chelsea; Gaylen Dunse with Franklin; Doug Hafer with Madison; John Becker with Liberty; and Jill Cunningham, County Attorney. The Board directed the County Attorney to draw up a resolution for the Board to approve at the August 26<sup>th</sup> Board meeting to put this question on the November 4<sup>th</sup> General Election to all registered voters of Fillmore County.

### **CLOSED SESSION**

Capek moved and Simacek seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personnel items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Cerny, and Galusha

Nays: None

The Chairman declared the motion carried and requested that the County Attorney, Emergency Manager, his wife Carol, and the County Clerk remain. Closed session began at 11:12 a.m.

### **RETURN TO REGULAR SESSION**

Galusha moved and Cerny seconded the motion to return to open session at 11:26 a.m. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Cerny, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### **ADDING PLEDGE SECURITY**

Simacek moved and Galusha seconded the introduction of the following resolution:

#### **RESOLUTION 2008-29**

**RESOLVED**, that the Geneva State Bank of Geneva, Nebraska, be allowed to add the following security held by Midwest Independent Bank to-wit:

CUSIP #25930KAJ6 in the amount of \$100,000.00

Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

### **BOECK 2<sup>ND</sup> SUBDIVISION**

After discussion, Cerny moved and Galusha seconded the motion to approve the Boeck 2<sup>nd</sup> Subdivision as follows: a tract of land comprising part of the SW ¼ of the NW ¼ of Section 10, Township 8 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: beginning at the NE corner of Boeck Subdivision, and assuming the west line of said Boeck Subdivision to have a bearing of N00°14'32"E; thence S89°45'28"E, and on the north line of said Boeck Subdivision extended east, 180.00 feet to a ¾" rebar w/plastic cap; thence S00°14'32"W, and parallel with the west line of said Boeck Subdivision, 497.88 feet to a ¾" rebar w/plastic cap; thence N89°45'28"W, and parallel with the north line of said Boeck Subdivision, 700.00 feet to a ¾" rebar w/plastic cap on the west line of said NW ¼; thence N00°14'32"E, and on the west line of said NW ¼, 78.90 feet to a ¾" rebar w/plastic cap, said cap being the southwest corner of Boeck Subdivision; thence S89°45'13"E and on the south line of Boeck Subdivision, 520.00 feet to the southeast corner of Boeck Subdivision; thence N00°14'46"E and on the east line of Boeck Subdivision, 419.09 feet to the point of beginning and containing 3.00

acres more or less of which 0.06 of an acre more or less is occupied by County Road R.O.W. Upon roll call, the vote was as follows:

Aye: Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**EMERGENCY MANAGEMENT REGIONAL GROUP**

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

**RESOLUTION 2008-30**

**WHEREAS**, the Nebraska Emergency Management Agency and the Nebraska Governors Homeland Security Policy Group act as the State Administration Agency for Homeland Security within the State of Nebraska,

**WHEREAS**, Fillmore County has elected to participate in the Emergency Management and Homeland Security Programs set forth by Federal and State Agencies.

**WHEREAS**, by participation in said Emergency Management and Homeland Security Programs Cedar County is part of a fourteen county emergency management region established by the State of Nebraska for purposes including but not limited to: Interoperable Communications Planning and System Implementation, Disaster Planning, and the Emergency Management/Homeland Security/Interoperable Communications Grant Program, and other programs as prescribed by State and Federal Authorities

Fillmore County by participating in the fourteen county regional Emergency Management Group must appoint at minimum one person to serve as a member of and participate in the regional Emergency Management group to the full extent as permitted and required by the needs of the program. Authority of said appointee shall not exceed authority granted by State Statue and/or the policy and procedures of Fillmore County.

Such appointment shall be at the pleasure of the governing authority of the County and be perpetual for the duration of the Emergency Management group unless the appointee is removed from the position for just case. Such appointment shall be reviewed each year at the annual organizational meeting of the County Board.

The Fillmore County Board of Supervisors does hereby appoint the Fillmore County Emergency Management Director and Deputy Emergency Manager to the Emergency Management Regional group known as the SOUTHEAST REGION to fulfill all duties as required by the regional group.

Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the resolution adopted.

**EMERGENCY MANANGEMENT PERFORMANCE GRANT**

After discussion, Simacek moved and Galusha seconded the motion to approve the application for grant #2008-EM-E8-0032 for the Emergency Management Performance Grant (EMPG) subgrant in the amount of \$37,882.00. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Cerny  
Nays: None

The Chairman declared the motion carried.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Howard F. Ach, Atty.	Rent, Post, Sup	3,208.86
Alltel	Uti	286.97
Ameritas Life Insurance Corp.	Ret	2,747.96
Jon Anderson	Uni, Meals, Post	80.65
Aquila	Uti	69.81
Aramark Uniform Services, Inc.	Ser	403.08
Axis Capital, Inc.	Ser	243.32
Biegert Construction Co.	Rep	84.00
Bottorf & Maser, Atty.	Ser, Mile	679.40
William L. Burgess	Uni, Meals, Post	64.93
Daryl L. Callenius	Uni	35.00
Larry Cerny	Mile	141.40
City of Geneva	Uti	400.60
Constellation Energy	Uti	4.76

August 12, 2008

Continental Research Corp.	Sup	389.32
County Assessor's Association of Nebr.	Dues	50.00
Dell Marketing, L.P.	Equip	2,334.39
Drummond America	Sup	404.28
Duckwall – Alco Stores, Inc.	Sup	109.34
Eakes Office Plus	Sup	591.05
Earls Window Service	Ser	10.00
Environmental Systems Research Inst.	Software	1,200.00
Exeter Lumber Co.	Sup	179.00
Fillmore County Development Corp.	Dues	250.00
Fillmore County Treasurer	Post	532.16
First Concord Benefits Group, LLC	Ser	393.00
Gambles	Sup	12.49
The Garbage Co.	Ser	124.60
Geneva State Bank	Ser, SS	2,939.21
Geneva Super Foods	Sup	682.86
Geneva TV & Appliance, Inc.	Sup	18.00
Hall County Sheriff	Ser	17.46
Hanson, Hroch, & Kuntz	Ser	660.00
Hilty's of Geneva	Sup	543.62
Hometown Leasing	Ser	576.21
Jim's Repair	Rep, Parts	329.53
Steve Julich	Uni	35.00
Kerry's Auto Repair & Service	Rep, Parts	779.00
Knoche Appraisal & Consulting, LLC	Ser	3,063.32
Stephen J. Kraviec	Ser, Post	1,699.61
Kustom Signals, Inc.	Sup	130.00
Lancaster County Sheriff	Ser	11.86
Robert McFarland	Uni	35.00
MIPS, Inc.	Ser, Sup	2,649.28
Nebraska Forensic Medical Services	Ser	1,700.00
The Nebraska Signal	Ads, Pro	1,213.51
Mary Novak	Mile	36.86
Platte Valley Communications	Sup	499.95
Ralph's Geneva Tire & Service Center	Rep	19.85
Redfield & Company, Inc.	Sup	214.33
Steve G. Roemmich	Uni	35.00
Saline County Clerk of the District Court	Ser	4.25
Saline County Sheriff	Boarding Prisoners, Ser	553.00
Secretary of State Rules & Regulations	Ser	20.00
Shell Fleet Plus	Fuel	3,215.56
State of Nebraska Public Health Envir.	Ser	78.00
Chad Summers	Uni	35.00
UNL IS-Telecommunications	Uti	29.97
Univ. of Nebraska – 4-H Youth Dev.	Sup	16.00
Carroll L. Verhage, M.D.	Ser	377.00
Walter F. Stephens, Jr., Inc.	Sup	124.39
Weaver Pharmacy	Sup	43.90
Windstream	Uti	219.06
York County Sheriff	Ser	31.00
Payroll	Salaries	40,515.19

**ROAD/BRIDGE FUND:**

Alltel	Uti	87.12
Ameritas Life Insurance Corp.	Ret	1,593.81
Aquila	Uti	81.19
Auto Value Parts Stores	Parts	848.29
Casey's General Store	Fuel	127.15
Century Lumber Center	Sup	21.05
City of Geneva	Uti	57.00
Corner Stop	Fuel	774.52
Dorchester Farmers Coop	Fuel, Parts	5,911.53
Farm Plan	Parts, Sup	4,707.34
Fillmore County Shop	Post	49.89
Filter Care of Nebraska	Parts	68.35
Friesen Chevrolet, Inc.	Parts	36.16
The Garbage Company	Ser	73.07
Geneva Implement	Parts, Sup	15.88
Geneva State Bank	SS	1,747.41
Geneva Welding & Supply, Inc.	Parts	216.18
Grafton Mini Mart	Fuel	112.00
Grafton Oil	Sup	375.65
Jill's Sweet Shop	Misc.	22.50
Lichti Oil	Fuel, Parts	12,640.61
Michl Service	Fuel	76.00
Nebraska Iowa Industrial Fasteners	Sup	155.12
The Nebraska Signal	Notice	52.21
Nichols Construction Co.	Gravel	111,011.31
Overland Sand & Gravel	Gravel	2,656.97

		August 12, 2008
Perennial Public Power	Uti	67.05
Platte Valley Communications	Parts	95.00
Ralph's Geneva Tire & Service	Sup, Rep	740.05
Shell Fleet Plus	Fuel	3,267.54
Superior Deshler, Inc.	Fuel	111.12
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	15.35
Village of Grafton	Uti	21.07
Maria Waring	Lodging	89.48
Payroll	Salaries	24,181.57
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	133.16
Janet Bartak	Mile	29.25
Dawg's Smokehouse Café	HDM's	591.50
Exeter Care Center	HDM's	144.00
Exeter Senior Center	USDA	46.17
Fairmont Aging Services	USDA	204.06
Geneva Senior Center	Rent, Uti, USDA, Sup	839.18
Geneva State Bank	SS	168.55
Bette Mattox Manning	Ser	288.00
Brenda Motis	Mile	27.50
Ohiowa Café	HDM's	11.50
Ron's Tavern	HDM's	225.00
Shell Fleet Plus	Fuel	20.61
Rhonda Stokebrand	Mile	91.16
Payroll	Salaries	2,218.99
<b><u>NOXIOUS WEED FUND:</u></b>		
Ace Agri Supply	Rep	102.86
Alltel	Uti	38.14
Ameritas Life Insurance Corp.	Ret	27.72
Merlin Ehmen	Rent	220.00
Ekeler Repair	Rep, Parts	701.06
Geneva State Bank	SS	31.41
Grafton Mini Mart	Fuel	1,298.38
Payroll	Salaries	410.61

**CLAIMS APPROVED**

Cerny moved and Capek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Simacek, and Cerny  
Nays: None                      Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

**ADJOURMENT**

Items to be discussed at a future Board meeting “letters to landowners regarding tree policy, trees on Road 21, and Cooperative Reimbursement Agreement for Child Support Services”. As there were no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:15 a.m., August 26, 2008. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Cerny, and Galusha  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:29 a.m., August 26, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Galusha was absent at 1:45 p.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 3:05 p.m.

**MINUTES APPROVED**

After discussion, Cerny moved and Capek seconded the motion to correct the minutes of the August 12<sup>th</sup> Board meeting to include that Randy Mierau, CPA was present to discuss the levy and lid limits regarding the 2008-2009 budget. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

**DRIVEWAY PERMITS**

Kimbrough moved and Galusha seconded the motion to approve the following applications for driveway permits:

- Verna Schmer & David Maser – combine two existing driveways to 40’ at the ½ mile line on the south side of Section 5-7-4, Bennett Township;
- Steve Heinrichs – extend existing culvert to 40’ on the north side of the NE ¼, Section 14-6-4, Momence Township;
- Lynn Yates – widen existing driveway to 40’ on the north side of the NE ¼, Section 36-6-3, Stanton Township.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**VACATING ROADWAY INSIDE SECTION 9, WEST BLUE TOWNSHIP**

After discussion, the Board requested that the County Attorney draw up a resolution to vacate the roadway inside Section 9, West Blue Township, which will be discussed at the September 9<sup>th</sup> Board meeting.

**ARMOR COAT BIDS**

Bids for armor coating the Milligan Road were opened at 9:45 a.m. as advertised. The following bid was received:

<u>Bidder</u>	<u>Type of Aggregate</u>	<u>Total Cost</u>
Micheels Construction Co.	Armor Coat Aggregate	\$105,767.30
Micheels Construction Co.	3/8” Limestone Chip Armor Coat Aggregate	\$118,755.86

**ARMOR COAT LETTING**

After review and discussion, Cerny moved and Mueller seconded the motion to accept the armor coat bid from Micheels Construction Co. using the armor coat aggregate at a price of \$105,767.30 for the Milligan Road. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: Kimbrough

The Chairman declared the motion carried.

**TREE REMOVAL AGREEMENTS**

County Attorney submitted an opinion regarding the tree removal agreements that were signed prior to the Board approving the current tree removal policy. After discussion, the Board requested that new agreements be drawn up for the two landowners, Sieck and Hiebner.

**DIESEL FUEL**

After discussion, Mueller moved and Kimbrough seconded the motion to only purchase “D” grade with a premium additive diesel fuel. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

**MOTOR GRADER LETTING**

After discussion, the Board directed Highway Superintendent to continue with the motor grader letting at the end of September.

**TOWNSHIP VS. COMMISSIONERS**

Arnie Heinrichs and Scott Houck with Hamilton Township, Howard Johnson and Steve Heinrichs with Bryant Township, and Larry Biester with Geneva Township were present for discussion regarding putting the question of discontinuing Township government on the November 4, 2008 ballot.

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

**RESOLUTION 2008-35**

**WHEREAS**, pursuant to Nebraska Revised Statute §23-293, the County Board of Fillmore County, Nebraska, has the power by majority vote to submit to the registered voters of Fillmore County the question of discontinuance of township organization and reorganization as a seven member Board of Commissioners; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, intends to exercise its power in the above referenced regard and pursuant to Nebraska Revised Statute §23-294 the questions on the ballot shall be respectively: For the continuance of township organization; or For discontinuance of township organization and creation of a seven-member county board of commissioners effective at the expiration of the supervisors' terms of office in January of the third calendar year following this election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Fillmore County, Nebraska, that the question of discontinuance of township organization will be submitted to the registered voters of Fillmore County at the next general election held not less than seventy days after the filing of the resolution.

**BE IT FURTHER RESOLVED**, that pursuant to Nebraska Revised Statute §23-294 the questions on the ballot shall be respectively; For the continuance of township organization; or For discontinuance of township organization and creation of a seven-member county board of commissioners effective at the expiration of the supervisor's terms of office in January of the third calendar year following this election.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the resolution adopted.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Alltel	Uti	452.14
Ameritas Life Insurance Corp.	Ret	2,693.70
Blue Cross/Blue Shield of Nebraska	Insur	14,944.96
Bottorf & Maser, Atty.	Ser, Mile	344.63
Central Nebraska Refrigeration, Inc.	Rep	165.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Jill R. Cunningham	Mile	119.93
Dawson County Sheriff	Ser	34.00
Executive Copier Services	Sup	69.94
Fillmore County Hospital	Ser	75.00
Fillmore County Treasurer	Transfer, Post	7,294.49
First Concord Group, Inc.	Insur	4,785.82
Gambles	Sup	284.31
The Garbage Company	Ser	27.16
Geneva State Bank	SS	2,846.05
Norma Gregory	Ret	25.00
Holiday Inn Kearney	Lodging	79.95
JEO Consulting Group, Inc.	Ser	485.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup, Wksh	5,649.28
Lafayette Life Insurance Co.	Insur	170.35
Lease Consultants Corp.	Ser	249.00
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Rental	100.00
Mid-American Research Chemical Corp.	Sup	766.27
MIPS, Inc.	Ser	914.78



August 26, 2008

Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Wksh	90.00
Nebraska Public Power Dist.	Uti	2,252.08
Amy Nelson	Sup, Post	47.53
Platte Valley Comm. Of Hastings	Sup, Rep	246.14
Postmaster	Rent	42.00
Region V Systems	EPC	880.00
Southeast District County Officials Assoc.	Wksh	108.00
Secretary of State	Ser	100.00
Seiler & Parker, P. C.	Ser	1,201.50
Seward County Sheriff	Ser	46.98
Shell Fleet Plus	Fuel	3,716.13
Spencer Fane Britt & Browne, LLP	Ser	220.00
State Of Nebraska as Central Finance	Ser	55.67
Thayer County Treasurer	Sup	1,045.92
University of Nebraska – College of Law	Wksh	300.00
USDA, APHIS	Ser	1,747.63
Brandy VanDeWalle	Mile	12.87
Eric Williams	Post	33.87
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,173.46
York County Sheriff	Ser	6.50
Payroll	Salaries	39,787.77

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,067.70
Blue Cross/Blue Shield of Nebraska	Insur	9,807.63
Farm Plan	Parts, Rep	983.82
Fillmore County Shop	Post, Part, Misc.	25.19
Gambles	Sup	24.43
Geneva State Bank	SS	1,773.02
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	66.92
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	82.12
Lafayette Life Insurance Co.	Insur	88.89
Lichti Oil	Fuel	7,186.01
Marlborough	Sup	86.50
Nebraska Bolt	Sup	20.28
NMC, Inc.	Parts, Rep	476.06
Nebraska Public Power	Uti	340.57
Newman Traffic Signs	Sup	205.90
Perennial Public Power	Uti	40.10
Southeast District County Officials Assoc.	Wksh	36.00
Speece Lewis Engineers	Ser	163.92
Windstream	Uti	135.38
Payroll	Salaries	24,516.25

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	July Patient Care	279.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	88.78
Blue Cross/Blue Shield of Nebraska	Insur	934.06
Exeter Care Center	HDM's	210.00
Exeter Senior Center	USDA, LAAA	293.89
Fairmont Aging Services	USDA, LAAA	1,867.73
Fillmore County Treasurer	Post	126.00
Geneva Senior Center	USDA, LAAA	2,758.71
Geneva State Bank	SS	170.68
Lafayette Life Insurance Corp.	Insur	9.00
Shell Fleet Plus	Fuel	45.56
Payroll	Salaries	2,246.86

**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	July Taxes	811.61
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	18.48
Blue Cross/Blue Shield of Nebraska	Insur	467.03
Geneva State Bank	SS	31.41
Lafayette Life Insurance Corp.	Insur	1.36
Payroll	Salaries	410.61

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	119.96
Windstream	Uti	988.59

**CLAIMS APPROVED**

Simacek moved and Capek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

### **ZONING MANUAL AND EXTRA HOURS**

Geraldine Daniels, Planning & Zoning Administrator at the request of the Planning Commission informed the Board that the Board has requested the Zoning manual be updated and requested extra hours to complete this project.

After discussion, Kimbrough moved and Galusha seconded the motion to approve the Planning & Zoning Administrator to update the manual with no more than an extra 40 hours to complete. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

### **REIMBURSEMENT FOR CHILD SUPPORT ENFORCEMENT SERVICES**

Galusha moved and Mueller seconded the motion to approve the Cooperative Reimbursement Agreement for Child Support Enforcement Services with the State of Nebraska Department of Health and Human Services. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

### **PLANNING COMMISSION**

Mueller moved and Simacek seconded the motion to appoint Lanny Ackerman to the Planning Commission to replace Robert Dumpert. Lanny's term will end June 30, 2010. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

### **BILLBOARD BY HEBRON**

After discussion, Simacek moved and Cerny seconded the motion to approve paying \$200.00 for the billboard located on Hwy. 81 by Hebron as a shared cost with Geneva Chamber of Commerce and Fillmore County Development Corp. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, and Kimbrough  
Nays: Simacek

The Chairman declared the motion carried.

### **COUNTY VEHICLE POLICY**

After discussion, Kimbrough moved and Mueller seconded the motion to approve NIRMA's recommendation for "Use of County Vehicles" policy and instructed the Clerk to amend the Employee manual. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **BUDGET MAKING AUTHORITY**

Simacek moved and Capek seconded the motion to appoint County Clerk, Amy Nelson the budget making authority for the county for the current fiscal year as provided by a resolution adopted January 10, 2006. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**SURPLUS**

Capek moved and Simacek seconded the motion to approve two computer towers and one monitor as surplus. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**INVENTORIES APPROVED**

Capek moved and Cerny seconded the motion to approve the inventories of the county offices and departments as presented. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

**BUDGET REVIEWS**

The Board reviewed several budgets prior to adopting the budget for fiscal year 2008-2009 at the September 9<sup>th</sup> Board meeting.

**ADJOURMENT**

As there were no other items to come before the Board, Mueller moved and Cerny seconded the motion to adjourn until 9:15 a.m., September 9, 2008. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:18 a.m., September 9, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Kimbrough, Simacek, Mueller, Galusha, and Capek. Cerny was absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 4:26 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the August 26<sup>th</sup> Board meeting as presented.

#### **FEE REPORTS**

Capek moved and Simacek seconded the motion to approve the fee reports for the month of August:

**County Clerk:** \$5,860.00 (State \$2,934.53 & County \$2,925.47)  
**Clerk of the District Court:** \$431.97  
**Sheriff:** 1,900.96

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Mueller  
Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Kimbrough moved and Galusha seconded the motion to approve the following applications for driveway permits:

Richard Lichti – install a new 40' driveway on the east side of the NE ¼, Section 19-5-3, Hamilton Township;  
Paul Baumann – install a new 40' driveway on the east side of the SE ¼, Section 25-8-4, Grafton Township.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Simacek moved and Mueller seconded the motion to approve the following application to occupy county right-of-way:

J & G Company – to bury electrical line between the SW ¼ of Section 5 and the SE ¼ of Section 6-7-2, Madison Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **DECLARE TREE A NUISANCE**

After discussion, Kimbrough moved and Galusha seconded the motion to declare the tree on NE corner of the intersection of Road 1 and Road G a nuisance. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **DIESEL FUEL**

September 9, 2008

Tom Garner and John Miller with Farmers Cooperative, John Kohtz with Aurora Cooperative and Mike Jaberg with Lichti Oil gave presentations regarding the premium diesel fuel that each company supplies as well as informing the Board what each company does to contract fuel at a certain price and time.

### **DRAINAGE ISSUES BRYANT TOWNSHIP**

Highway Superintendent, Elmer Hessheimer presented to the Board that on the southwest corner of intersection of Road W and Road 6 there is a large hole. After discussion, the Board requested that Elmer contact the adjoining landowners and have them attend a future Board meeting to discuss who is responsible for repairing this hole.

### **TAX FORECLOSURES**

Howard Ach, Deputy County Attorney informed the Board of the three tax foreclosures in Milligan, Ohioa, and Grafton that were turned over to him from the County Treasurer. Howard informed the Board that he has been researching the current landowners and contacting them to see about getting the taxes collected. Per Howard there is a potential buyer for the property in Grafton.

After discussion, Mueller moved and Galusha seconded the motion to allow Howard Ach to proceed with arranging the legal documents to receive clear title and sell the property in Grafton for a fee of \$300.00 plus any out of pocket expense in order that we do not have to proceed with the tax foreclosure process and expense. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

### **HEARING REGARDING TERMINATION OF DEPARTMENT OF ROADS EMPLOYEE**

Hearing in regards to termination of Fillmore County Department of Roads employee Joe Tucker was opened at 1:00 p.m. with the following present: Joe Tucker, Lydia Tucker, Jeffrey Kirkpatrick, Attorney, County Attorney Jill Cunningham, Deputy County Attorney Howard Ach, Highway Superintendent Elmer Hessheimer, and Assistant Highway Superintendent Jerry Lukes. Highway Superintendent, Assistant Highway Superintendent, and Joe Tucker gave statements regarding performance and termination.

### **CLOSED SESSION**

Mueller moved and Simacek seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personnel items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried and requested that only the Board remain. Closed session began at 3:07 p.m.

### **RETURN TO REGULAR SESSION**

Galusha moved and Capek seconded the motion to return to open session at 3:39 p.m. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

### **REINSTATE DEPARTMENT OF ROADS EMPLOYEE**

After discussion, Kimbrough moved and Mueller seconded the motion to reinstate Joe Tucker to his present position with the following requirements 1) sign present evaluation for July 1, 2007 to June 30, 2008; 2) will be on probation until December 31, 2008; and 3) will have weekly performance evaluation of motor grader operator performance by Assistant Highway Superintendent and two operators with a final evaluation at the end of the year, this final evaluation will be reviewed by the Fillmore County Board of Supervisors at their first Board meeting in January 2009. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Mueller  
Nays: None

The Chairman declared the motion carried.

### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

Howard F. Ach	Rent, Post	3,190.49
Alltel	Uti	272.10
Ameritas Life Insurance Corp.	Ret	2,734.75
Aquila	Uti	47.60
Aramark Uniform Services, Inc.	Ser	400.04
Axis Capital, Inc.	Ser	243.32
B & J Automotive	Rep	132.82
Buffalo County Sheriff	Ser	15.62
City of Geneva	Uti	541.20
Constellation Energy	Uti	3.57
Duckwall – Alco Stores, Inc.	Sup	101.73
Eakes Office Plus	Sup	720.69
Elite Court Reporting	Ser	125.00
Erdkamp Motors	Rep	36.00
Executive Copier Systems	Sup	289.49
Farm & Home Publishers, LTD	Sup	1,676.75
Fillmore County Clerk	Fees	22.00
Fillmore County Medical Center	Ser	75.63
Fillmore County Treasurer	Aug. Taxes	307,138.91
First Concord Benefits Group, LLC	Ser	5,380.92
Geneva Chamber of Commerce	Rent	200.00
Geneva State Bank	SS	2,858.28
Geneva Super Foods	Sup	831.01
Geneva TV & Appliance, Inc.	Rep	47.50
Germer, Murray & Johnson	Ser, Mile	2,412.32
Gold Star Supply	Sup	438.15
Holiday Inn	Lodging	129.90
Hometown Leasing	Ser	839.51
Jim's Repair	Rep, Fuel	73.86
Kerry's Auto Repair & Service	Rep, Sup	325.48
Lancaster County Sheriff	Ser	16.24
Mid-States Organized Crime Info. Center	Wksh	200.00
MIPS, Inc.	Ser	2,295.52
The Nebraska Signal	Ads, Proc, Subscription	621.64
Nick's Farm Store Co.	Rep	52.50
NIRMA	Sup	25.00
Northeast Nebraska Juvenile Service	Boarding Prisoners	828.75
Mary Novak	Meals, Mile	191.77
O'Keefe Elevator Company, Inc.	Ser	214.20
Ralph's Geneva Tire & Service Center	Rep	511.81
Saint Louis University Dept. of Pathology	Ser	125.00
Saline County Sheriff	Boarding Prisoners, Fees	1,062.00
State of Nebraska AS Central Finance	Ser	896.00
UN-L IS-Telecommunications	Uti	20.96
Wayne County Court	Ser	6.25
Weaver Pharmacy	Sup	116.22
Daniel L. Werner, PC, LLO	Ser	56.25
Windstream	Uti	229.87
Payroll	Salaries	39,943.50

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts	26.61
All Roads Barricades, Inc.	Parts	130.86
Alltel	Uti	86.81
Ameritas Life Insurance Corp.	Ret	1,605.47
Aquila	Uti	71.39
Auto Glass Center	Parts	205.00
Auto Value Parts Stores	Parts, Sup	303.35
B.A.B., Inc.	Seeding	500.00
Century Lumber Center	Sup	192.28
City of Geneva	Uti	63.40
Dorchester Farmers Coop	Fuel	3,487.68
Filter Care of Nebraska	Parts	104.70
Friesen Chevrolet, Inc.	Parts	39.34
Geneva Implement	Parts	102.57
Geneva State Bank	SS	1,764.28
Geneva Welding & Supply, Inc.	Parts	521.20
Grafton Oil	Oil	1,731.40
Kamler's Garage	Equip. Rent	50.00
Kerry's Auto Repair & Service	Tires	225.18
Lichti Oil	Fuel	6,557.15
Michl Service	Fuel	87.27
Mike's Radiator & Tire	Rep	40.00
Nebraska Dept. of Roads Controller Div.	Ser	46,552.08
Nebraska Iowa Industrial Fasteners	Sup	155.12
The Nebraska Signal	Ads	70.23
Newman Traffic Signs	Sup	657.21

		September 9, 2008
Nichols Construction	Gravel	59,858.92
Nick's Farm Store	Rep	28.84
Perennial Public Power	Uti	26.95
Power Plan	Parts	937.88
Ralph's Geneva Tire & Service	Rep	89.25
Shell Fleet Plus	Fuel	2,903.44
Speece Lewis Engineers	Ser	1,767.45
U.S. Postal Service	Sup	243.60
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	24,401.99
<b><u>ECONOMIC DEVELOPMENT - TOURISM:</u></b>		
McBattas Packaging & Printing	Ads	505.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	133.16
Dawg's Smokehouse Café	HDM's	305.50
Exeter Care Center	HDM's	215.00
Geneva Senior Center	Rent, Uti	127.57
Geneva State Bank	SS	171.04
Bette Mattox Manning	Ser	144.00
Brenda Motis	Mile, Sup	106.00
Payroll	Salaries	2,251.50
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	Aug. Taxes	23,389.91
<b><u>NOXIOUS WEED FUND:</u></b>		
Alltel	Uti	38.14
Ameritas Life Insurance Corp.	Ret	31.63
Merlin Ehmen	Rent	220.00
Exeter Lumber Company	Sup	7.39
Geneva State Bank	SS	35.84
The Nebraska Signal	Ads	96.60
Ralph's Geneva Tire & Service	Rep	97.90
Payroll	Salaries	468.57
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Andrew's Electric Co., Inc.	Rep	345.96

#### CLAIMS APPROVED

Mueller moved and Simacek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Capek, Simacek, Kimbrough, Mueller, and Galusha  
Nays: None Abstaining to due to conflict of interest: Yates

The Chairman declared the motion carried.

#### SURPLUS

Kimbrough moved and Simacek seconded the motion to approve a John Deere lawn tractor as surplus. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### ADJOURMENT

Agenda items "vacating roadway inside Section 9 and survey results of drainage channel Madison Township" were tabled until a future Board meeting. As there were no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:00 a.m., September 23, 2008. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., September 23, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Kimbrough, Simacek, Mueller, Galusha, and Capek. Cerny arrived at 9:37 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 8:15 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the September 9<sup>th</sup> Board meeting as presented.

#### **VETERAN'S MEMORIAL & VIETNAM WALL**

Eric Williams, Veteran's service officer informed the Board that they are forming a committee to start researching a location to build a Veteran's memorial. Eric also informed the Board that they are trying to get the traveling Vietnam wall to Fillmore County.

#### **DRIVEWAY PERMIT**

Galusha moved and Capek seconded the motion to approve the following application for a driveway permit:

Armin Nuss – install a new 24' driveway on the north side of the NW ¼, Section 3-8-4, Grafton Township.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT PERMIT**

Kimbrough moved and Mueller seconded the motion to approve the following application to clean silt from the road ditch:

Susan Fixemer – clean silt from the road ditch on the east side of the NE ¼, Section 7-6-3, Stanton Township.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Kimbrough moved and Capek seconded the motion to approve the following application to occupy county right-of-way:

TMT Swartzendruber – to bury electrical line between the NW ¼ of Section 29 and the SW ¼ of Section 20-5-3, Hamilton Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None                      Abstaining: Cerny

The Chairman declared the motion carried.

#### **FLOOD PLAIN PERMIT**

After discussion, Galusha moved and Simacek seconded the motion to approve the floodplain permit application for the Geneva bridge project between Section 32 & 33-7-3, Geneva Township. Work to be done is to replace a 47' concrete bridge with a 3-span 110' concrete slab bridge, roadway grading, channel grading, riprap placement, erosion control, and seeding. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None



The Chairman declared the motion carried.

**ANNUAL REPORT**

Simacek moved and Mueller seconded the motion to approve the annual Roads Department report as presented by the Highway Superintendent. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**STOP SIGN**

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

**RESOLUTION 2008-37**

In accordance with the standards set forth in the Manual for Uniform Traffic Control Devices, as from time to time amended, and

**WHEREAS**, it is in the best interest of Fillmore County, Nebraska, to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following location:

<b><u>TYPE OF DEVICE</u></b>	<b><u>LOCATION</u></b>
STOP sign	at the intersection of County Road S and 25, sign to be Placed on Road 25 on the north side of the intersection

**NOW THEREFORE** Be it Resolved by the Fillmore County Board of Supervisors that this resolution is approved this 23<sup>rd</sup> day of September, 2008.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the resolution adopted.

**PICKUP BIDS**

Bids for new pickup were opened at 9:45 a.m. as advertised. The following bids were received:

<b><u>Company</u></b>	<b><u>Year</u></b>	<b><u>Make/Model</u></b>	<b><u>Price</u></b>
Friesen Chevrolet	2008	Chevrolet, 4.3 ½ ton 2 WD	\$15,894.70
Friesen Chevrolet	2009	Chevrolet, 4.8 ½ ton 2 WD	\$19,480.00
Friesen Chevrolet	2009	Chevrolet, 5.3 ½ ton 4 WD	\$22,317.00
Erdkamp Motors	2008	Dodge, 4.7 ½ ton 2 WD	\$19,612.00
Erdkamp Motors	2008	Dodge, 5.7 ½ ton 4 WD	\$24,000.00
Erdkamp Motors	2008	Dodge, 4.7 ½ ton 4 WD	\$22,555.00

**PICKUP LETTING**

After discussion, Mueller moved and Simacek seconded the motion to accept the bid from Erdkamp Motors for a 2008 Dodge ½ ton, four wheel drive pickup in the amount of 22,555.00. Upon roll call, the vote was as follows:

Ayes: Simacek, Mueller, Galusha, Capek, and Yates  
Nays: Kimbrough and Cerny

The Chairman declared the motion carried.

**MOTOR GRADER BIDS**

Bids for a new motor grader were opened at 10:00 a.m. as advertised. The following bids were received:

<b><u>Bidder</u></b>	<b><u>Make/Model</u></b>	<b><u>Cash Price</u></b>
Titan Machinery, Lincoln	2008 Case 865 VHP	\$204,023.00
Titan Machinery, Lincoln	2008 Case 885	\$213,634.00
Scott VanKeppel, Omaha	2008 Volvo G930	\$153,337.00
Murphy Tractor & Equip., Grand Island	2008 John Deere 770D	\$181,314.00
NMC, Inc., Lincoln	2008 Caterpillar 12M	\$194,055.32
NMC, Inc., Lincoln	2008 Caterpillar 12M w/350 hours	\$183,340.49
NMC, Inc., Lincoln	2008 Caterpillar 12M w/350 hours	\$174,590.79

**MOTOR GRADER LETTING**

September 23, 2008

After review and discussion, Mueller moved and Simacek seconded the motion to accept the bid from NMC for a 2008 Caterpillar 12M motor grader with 350 hours in the amount of 174,590.79. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: Kimbrough

The Chairman declared the motion carried.

### **CONDEMNATION PROCEEDINGS**

After discussion, Cerny moved and Mueller seconded the motion to start the condemnation proceedings against the owner of the NE ¼, Section 12, Stanton Township. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Capek, and Yates  
Nays: Galusha and Simacek                      Abstaining: Kimbrough

The Chairman declared the motion carried.

### **DUNKER SUBDIVISION**

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Dunker Subdivision, located in the NE ¼, Section 23-5-2, Belle Prairie Township.

Kimbrough moved and Cerny seconded the motion to approve the plat for the Dunker Subdivision as follows:

A tract of land comprising a part of the NE ¼, Section 23, Township 5 north, range 2 west of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: commencing at the NE corner of said NE ¼, and assuming the north line of said NE ¼ to have a bearing of S89°33'06"W; thence S89°33'06"W, and on the north line of said NE ¼, 666.96 feet to the point of beginning, said point being a ¾" rebar w/cap; thence S00°26'54"E, and perpendicular to the north line of said NE ¼, 466.75 feet to a ¾" rebar w/cap; thence S89°33'06"W, and parallel with the north line of said NE ¼, 382.61 feet to a ¾" rebar w/cap; thence N00°26'54"W, and perpendicular to the north line of said NE ¼, 466.75 feet to a ¾" rebar w/cap on the north line of said NE ¼; thence N89°33'06"E, and on the north line of said NE ¼, 382.61 feet to the point of beginning and containing 4.10 acres more or less of which 0.29 of an acre more or less is occupied by county road R.O.W.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **MILLIGAN RURAL FIRE DISTRICT**

Simacek moved and Capek seconded the motion to approve the bond for Henry J. Rohla of the Milligan Rural Fire Protection District beginning September 13, 2008 and ending September 13, 2010. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

### **WITHDRAWING SECURITY**

Mueller moved and Galusha seconded the introduction of the following resolution:

#### **RESOLUTION 2008-38**

**RESOLVED**, that the York State Bank & Trust Co., Geneva, Nebraska, be allowed to withdraw the following security held by First National Capital Markets to-wit:

CUSIP #74122CR1 in the amount of \$300,000.00

Upon roll call, the vote as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Mueller, and Galusha  
Nays: None                      Abstaining due to conflict of interest: Cerny

The Chairman declared the resolution adopted.

### **ADDING SECURITIES**

Capek moved and Mueller seconded the introduction of the following resolution:

#### **RESOLUTION 2008-39**

**RESOLVED**, that the York State Bank & Trust Co., Geneva, Nebraska, be allowed to add the following securities held by First National Capital Markets to-wit:

CUSIP #559588DB1 in the amount of \$145,000.00 and CUSIP #986766CZ4 in the amount of \$165,000.00

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Mueller, Galusha, and Capek  
Nays: None Abstaining due to conflict of interest: Cerny

The Chairman declared the resolution adopted.

#### **GENERAL ASSISTANCE 2008-02**

After discussion, Kimbrough moved and Mueller seconded the motion to deny general assistance 2008-02 due to general assistance guidelines 2-008 income. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### **GENERAL FUND:**

Alltel	Uti	524.49
Ameritas Life Insurance Corp.	Ret	2,813.49
Jon Anderson	Uni	35.00
Aquila	Uti	17.10
Blue Cross/Blue Shield of Nebraska	Insur	15,411.99
Bottorf & Maser, Atty.	Ser, Mile	1,188.52
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	51.74
Crete Area Medical Clinic	Ser	61.00
Earls Window Service	Ser	5.00
Evercom	Sup	420.00
Executive Copier Systems	Sup	79.20
Fillmore County Clerk of District Court	Fees	300.00
Fillmore County Sheriff	Fees	273.67
Galls	Sup	151.94
Gambles	Sup	67.21
The Garbage Co., Inc.	Ser	178.92
Geneva State Bank	Ser, SS	2,956.49
Geneva Super Foods	Sup	1,036.78
Norma Gregory	Ret	25.00
Holiday Inn Central	Lodging	93.00
Johnson County Sheriff	Fees	18.69
Steve Julich	Uni, Misc.	49.11
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,727.41
Stephen J. Kraviec	Ser, Post	1,706.68
Lafayette Life Insurance Co.	Insur	143.35
Lancaster County Sheriff	Fees	18.10
Ann H. McDonald	Ret	18.00
Robert McFarland	Uni	35.00
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Sup	70.00
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,139.61
Deanna Peshek	Mile	28.08
Quill	Sup	51.88
Region V Systems	Budget request	10,917.00
Steven G. Roemmich	Uni	35.00
Saline County Sheriff Office	Boarding Prisoner	390.00
Secretary of State Rules & Regulations	Ser	40.00
State of Nebraska AS Central Finance	Ser	56.12
State of Nebraska Public Health Envir. Lab	Ser	57.10
Chad Summers	Uni	35.00
Univ. of Nebraska – Coop Extension Div.	Sup	150.52
Weaver Pharmacy	Sup	149.07
Holli Weber	Mile	28.08

Daniel L. Werner, P.C., LLO	Ser	95.25
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,184.01
Payroll	Salaries	40,900.80

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,606.46
B's Enterprises	Sup	4,000.00
Blue Cross/Blue Shield of Nebraska	Insur	9,807.63
C & C Extinguisher Service	Sup	152.50
Casey's General Store	Fuel	53.90
Corner Stop	Fuel	751.85
Dorchester Farmers Coop	Fuel	6,119.40
Gambles	Sup	84.39
The Garbage Company	Ser	73.07
Geneva State Bank	SS	1,762.35
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	91.31
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Parts	2,219.38
NMC, Inc.	Parts	1,646.92
Nebraska Public Power District	Uti	307.81
Newman Traffic Signs	Sup	230.08
Overland Sand & Gravel	Gravel	1,224.08
Donna Saltzman	Ser	40.00
Speece Lewis Engineers	Ser	2,303.21
Village of Fairmont	Uti	34.15
Windstream	Uti	133.09
Payroll	Salaries	24,376.63

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	Aug. Patient Care	279.00
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**SENIOR SERVICES FUND:**

American Legion Post – 218	Rent	150.00
Ameritas Life Insurance Corp.	Ret	134.06
Janet Bartak	Mile	10.53
Blue Cross/Blue Shield of Nebraska	Insur	934.06
Fillmore County Rural Transit Service	Mile	30.00
Geneva State Bank	SS	173.12
Lafayette Life Insurance Company	Insur	9.00
Ron's Tavern	HDM's	135.00
Rhonda Stokebrand	Mile	61.43
Payroll	Salaries	2,278.74

**INHERITANCE TAX FUND:**

Dennis Heil Roofing & Siding	Rep	2,680.00
Fillmore County Treasurer	Transfer	10,000.00

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	79.55
Blue Cross/Blue Shield of Nebraska	Insur	467.03
Geneva State Bank	SS	90.16
Lafayette Life Insurance Company	Insur	1.36
Payroll	Salaries	1,178.58

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	151.94
Windstream	Uti	997.15

**CLAIMS APPROVED**

Simacek moved and Kimbrough seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**RECESS**

The Board recessed at 1:41 p.m. until 7:00 p.m. for an informational meeting regarding the township organization at the Geneva Public Library.

**RECONVENE**

September 23, 2008

The Board reconvened at 7:00 p.m. in the Geneva Public Library basement with all Board members present. Larry Dix and Jon Edwards with Nebraska Association of County Officials answered questions regarding township organization. Also present were Morley Most, Gaylen Dunse, and Galen Niederklein Franklin Township; Larry Biester Geneva Township; Allen Huber Grafton Township; Bill Softley West Blue Township; Bob Fessler and Don A. Griess Bennett Township; Kent Myers, Larry Nun, and Jerry Engle Chelsea Township; Henry J. Rohla Jr. and Marvin Nadherny Glengary Township; Eugene Ulmer and Greg Scellin.

**ADJOURNMENT**

Agenda items “survey results of drainage channel Madison Township, diversion program, and York General Hospital bill” were tabled until a future Board meeting. As there were no other items to come before the Board, Cerny moved and Kimbrough seconded the motion to adjourn until 9:15 a.m., October 14, 2008. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:14 a.m., October 14, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Cerny was absent at 1:50 p.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 2:40 p.m.

Chairman of the Board, Yates approved the minutes of the September 23<sup>rd</sup> Board meeting as presented.

Simacek moved and Mueller seconded the motion to accept the following fee reports for the month of September:

Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Terri Volkmer informed the Board that Carrier informed her that there were additional parts that needed to be added to the chiller to remain in compliance. After discussion, the Board requested Terri to request in writing that Carrier would accept Central Nebraska Refrigeration, Inc. out of York to complete the additional parts to the chiller and that our warranty would still be valid. Terri also informed the Board of two outstanding bills from Carrier and Nebraska Fire Sprinkler, after discussion the Board agreed that they would need to submit the bills for payment.

Capek moved and Galusha seconded the motion to approve the following application to clean silt from the road ditch:

Keith Nuns – clean silt from the road ditch on the south side of the SE ¼, Section 23-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

After discussion, Cerny moved and Kimbrough seconded the motion to approve and sign the Certificate of Compliance for replacing signs and posts with the State of Nebraska at no charge. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates and Kimbrough  
Nays: None  
Absent: Simacek

The Chairman declared the motion carried.

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

In accordance with the standards set forth in the Manual for Uniform Traffic Control Devices, as from time to time amended, and

**WHEREAS**, it is in the best interest of Fillmore County, Nebraska, to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following location:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the intersection of County Road V and 11, signs to be placed on Road 11 on the south side & north side of this intersection

**NOW THEREFORE** Be it Resolved by the Fillmore County Board of Supervisors that this resolution is approved this 14<sup>th</sup> day of October, 2008.

Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the resolution adopted.

**STOP SIGN**

After discussion, Capek moved and Galusha seconded the introduction of the following resolution:

**RESOLUTION 2008-41**

In accordance with the standards set forth in the Manual for Uniform Traffic Control Devices, as from time to time amended, and

**WHEREAS**, it is in the best interest of Fillmore County, Nebraska, to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following location:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the intersection of County Road R and 19, sign to be placed on Road R on the east side of the intersection

**NOW THEREFORE** Be it Resolved by the Fillmore County Board of Supervisors that this resolution is approved this 14<sup>th</sup> day of October, 2008.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the resolution adopted.

**EXTENSION OFFICE HELP**

Brandy VanDeWalle informed the Board that UNL has offered Fillmore County a full time 4-H assistant, with the County paying 26.67% of the annual salary and UNL picking up the remaining salary as well as the benefits. This would take the place of the part-time employee that has previously been budgeted for.

**BLUE VALLEY COMMUNITY ACTION**

Rick Nation with Blue Valley Community Action informed the Board that they have been receiving grant funds from a Federal Government grant for the lease purchase agreement the County has with them. The Federal Government would like to be listed as first mortgage holder instead of the County. Rick asked the Board if they would accept another property to hold as collateral to make this work.

Howard Ach, Deputy County Attorney informed the Board that he would suggest not releasing their position as first mortgage holder with this lease purchase agreement. After discussion, the Board informed Rick Nation that they would not release their first mortgage on the property nor substitute another property.

**SURPLUS ITEMS**

After discussion, Simacek moved and Galusha seconded the motion to declare the following items surplus: 1988 Chevy Pickup, 1989 Ford Pickup, 1995 Ford Explorer, air compressor, irrigation pipe, John Deere tractor/mower, miscellaneous computer equipment, two office chairs, TTY set, and transcriptionist set. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**HOPE CRISIS CENTER DISPLAY**

Hope Crisis Center requested to have a life size display on the courthouse lawn during the week of October 20<sup>th</sup>, after discussion the Board decided that they would not allow this to be placed on the lawn.

### MAXIMUS COST ALLOCATION PLAN

After discussion, Kimbrough moved and Mueller seconded the motion to approve and sign the certification of cost allocation plan with Maximus. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### GENERAL FUND:

Howard F. Ach, Atty.	Rent, Post, Sup, Mile	3,612.47
Lanny Ackerman	Mtgs, Mile	65.10
Action Auto Supply	Rep	5.23
Ameritas Life Insurance Corp.	Ret	5,631.84
Aquila	Uti	81.12
Auto Value Parts Stores	Sup	23.22
Axis Capital, Inc.	Ser	243.32
Badgerland Rep. Group	Sup	136.00
Barnas Drug, Inc.	Sup	13.64
Joseph N. Bixby	Ser	2,394.00
Blue Valley Community Action	Budget request	8,480.25
Bottorf & Maser, Atty.	Ser	403.75
Century Lumber Center	Sup	14.99
Chaney Chemical, Inc.	Sup	743.60
City of Geneva	Uti	506.20
City of Wilber Ambulance	Ser	227.57
Constellation Energy	Uti	3.57
Contryman Associates, P.C.	Ser	6,500.00
Corner Stop	Fuel	243.91
County Assessor's Association of NE	Dues	50.00
Geraldine Daniels	Mile	33.93
Dawson County Sheriff's Office	Fees	24.00
Duckwall – Alco Stores, Inc.	Sup	99.03
Robert Dumpert	Mtgs, Mile	65.10
Eakes Office Plus	Sup, Ser	890.37
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Ser	1,770.00
Sharon Elznic	Mtgs, Mile	73.08
Evercom Systems, Inc.	Sup	105.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Hospital	Ser	142.00
Fillmore County Medical Clinic	Ser	50.77
Fillmore County Treasurer	Trans, Ser, Post	163,937.11
First Concord Benefit's Group, LLC	Ser, Misc.	6,982.68
Gage County Clerk	Probation budget	2,810.50
Gambles	Sup	87.71
The Garbage Co., Inc.	Ser	124.60
Geneva State Bank	SS	5,868.50
Geneva TV & Appliance, Inc.	Sup	24.00
Germer, Murray & Johnson, Atty.	Ser, Mile	5,002.00
Matt Harre	Mtgs, Mile	99.99
Head Start	CASA budget	10,000.00
Hillyard/Sioux Falls	Sup	75.50
Hometown Leasing	Ser	704.65
Hope Crisis Center	Budget request	2,080.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,427.60
Stephen J. Kraviec	Ser, Post	1,709.42
Lafayette Life Insurance Co.	Insur	134.35
Lancaster County Sheriff	Ser	35.38
Lease Consultants Corp.	Ser	249.00
Thomas Manning	Mtgs, Mile	51.06
Maximus, Inc.	Ser	2,537.50
Mierau & Co., P.C.	Ser	500.00
MIPS, Inc.	Ser	2,295.52
Mark Morgan	Mtgs, Mile	58.08
Morley Most	Mtgs, Mile	97.65
Marvin Nadherny	Mtgs, Mile	87.12
National Association of Counties	Dues	400.00



October 14, 2008

The Nebraska Signal	Ads, Proc, Misc.	1,654.52
Amy Nelson	Mile, Meals	84.92
Nick's Farm Store	Sup	24.74
Merle Noel	Mtgs, Mile	73.08
Reg Noel	Mtgs, Mile	62.76
Northeast Nebraska Juvenile Services	Boarding Prisoner	1,147.50
O'Keefe Elevator Company, Inc.	Ser	225.00
Pioneer Publishing	Ad	36.00
Plains Power & Equipment, Inc.	Sup	73.90
Platte Valley Communications of Hastings	Equip, Rep	40,572.00
Protex Central, Inc.	Ser	101.00
Ralph's Geneva Tire & Service Center	Rep	168.82
Region V Services	Budget request	2,952.25
Saline County Sheriff	Ser	6.00
Secretary of State Rules & Regulations	Ser	20.00
Seiler & Parker, P.C.	Ser, Mile	2,268.33
Seward County Sheriff	Ser	5.50
Shell Fleet Plus	Fuel	3,226.52
Sleuth Software	Ser	892.50
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Dept. of Correction	Boarding Prisoners	227.34
UN-L IS-Telecommunications	Uti	7.32
Carroll L. Verhage, MD	Ser	207.25
Weaver Pharmacy	Sup	137.82
Windstream	Uti	1,665.24
York County Sheriff	Boarding Prisoners	715.00
Payroll	Salaries	81,872.62

**ROAD/BRIDGE FUND:**

Alltel	Uti	87.07
Ameritas Life Insurance Corp.	Ret	3,210.95
Aquila	Uti	64.38
Auto Value Parts Stores	Parts, Sup	399.78
Century Lumber Center	Parts, Sup	49.94
City of Geneva	Uti	60.20
Contech Construction Products	Culverts	8,374.90
Corner Stop	Fuel	861.99
Dorchester Farmers Coop	Fuel	28,417.89
Erdkamp Motors	Equip	22,555.00
Farm Plan	Parts, Sup	330.04
Fillmore County Clerk	Misc	10.00
Fillmore County Hospital	Ser	26.00
Fillmore County Shop	Post	41.50
Fillmore County Treasurer	Misc	5.00
Filter Care of Nebraska	Parts	72.90
Gambles	Sup, Parts, Misc	111.17
The Garbage Company	Ser	73.07
Geneva State Bank	SS	3,542.07
Geneva Welding & Supply, Inc.	Parts, Sup	230.59
Grafton Oil	Sup	743.60
Kerry's Auto Repair & Service	Tires	293.36
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Parts, Sup	7,470.57
Micheels Construction Co.	Armor Coating	107,355.83
Michl Service	Fuel	161.72
Midwest Service & Sales	Parts	760.00
Mike's Radiator & Tire	Rep	45.00
Nebraska Iowa Industrial Fasteners	Sup	149.19
Nebraska Signal	Ads	123.32
Newman Traffic Signs	Sup	197.65
Nichols Construction	Gravel	66,324.73
Overland Sand & Gravel	Gravel	13,331.81
Perennial Public Power	Uti	67.05
Power Plan	Parts	2,337.24
Ralph's Geneva Tire & Service	Rep	248.35
Roit Repair	Rep	180.43
Shell	Fuel	3,534.32
Superior Deshler, Inc.	Fuel	58.80
USIS Commercial Services	Ser	89.70
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	15.81
Village of Grafton	Uti	21.07
Village of Milligan	Uti	22.92
Village of Shickley	Uti	262.47
Windstream	Uti	135.29
Payroll	Salaries	48,980.21

**ECONOMIC DEVELOPMENT - TOURISM:**

Fillmore County Development Corp.	Mile, Sup, Misc	329.96
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		October 14, 2008
Hanna Keelan Associates, P.C.	Ser	5,400.00
Revitalize Geneva	Misc	200.00
York Promotional Products	Sup	404.55
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	266.32
Janet Bartak	Mile	81.90
Dawg's Smokehouse Café	HDM's	286.00
Judy Dondlinger	Ser	120.00
Exeter Care Center	HDM's	215.00
Exeter Senior Center	USDA	61.56
Fairmont Aging Services	USDA, HDM's	231.42
Fillmore County Treasurer	Post	168.00
Geneva Senior Center	Rent, Sup, Uti, USDA	813.67
Geneva State Bank	SS	341.01
Susan Kerl	Ser	27.07
Jeannine Krejci	Ser	120.00
Lafayette Life Insurance Company	Insur	9.00
Elizabeth Mattox Manning	Ser	144.00
Modern Methods	Sup	447.00
Brenda Motis	Mile, Sup	97.50
The Nebraska Signal	Sup	175.00
Ohiowa Café	HDM's	40.25
Ron's Tavern	HDM's	155.00
Shell Fleet Plus	Fuel	89.62
Payroll	Salaries	4,489.07
<b><u>ETHANOL ROAD BOND FUND:</u></b>		
UMB Bank, NA	Interest	6,931.25
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	Sept. Taxes	12,401.10
<b><u>NOXIOUS WEED FUND:</u></b>		
Action Auto Supply	Rep	28.92
Alltel	Uti	38.14
Ameritas Life Insurance Corp.	Ret	166.19
Bill's Repair	Rep	15.00
Central Community College	Wksh	110.00
Gaylord Craddock	Mile	39.78
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	220.12
Grafton Mini Mart	Fuel	327.08
Frances Heinrichs	Mile	39.78
Ronald Isley	Mile	30.42
Lafayette Life Insurance Company	Insur	1.36
Nebraska Weed Association	Dues	106.00
Ralph's Geneva Tire & Service	Rep	42.50
Tim Schepers	Mile	18.72
Payroll	Salaries	2,877.16
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	261.45
Windstream	Uti	872.71

### CLAIMS APPROVED

Galusha moved and Capek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Mueller, Galusha, and Capek  
Nays: None                      Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

### ADJOURMENT

Agenda items "trees between Road 17 & Hwy 6 and Road G & Road F between Road 17 & 18 and York General Hospital bill" were tabled until a future Board meeting. As there were no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:10 a.m., October 28, 2008. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., October 28, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, and Galusha. Capek was absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 2:35 p.m.

**MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the October 14<sup>th</sup> Board meeting as presented.

**DRIVEWAY PERMIT**

Simacek moved and Galusha seconded the motion to approve the following application for a driveway permit:

Marian & Irene Petracek Trust – install a new 40' driveway on the south side of the SW ¼, Section 13-6-2, Chelsea Township, and to remove two driveways and to extend two driveways to 40' on the west side of the SW ¼, Section 13-6-2, Chelsea Township with no culverts required on the two driveways located on the west side.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, and Galusha  
Nays: Kimbrough, Cerny, and Mueller

The Chairman declared the motion failed.

**DRIVEWAY PERMIT**

Kimbrough moved and Cerny seconded the motion to approve the following application for a driveway permit:

Marian & Irene Petracek Trust – install a new 40' driveway on the south side of the SW ¼, Section 13-6-2, Chelsea Township, and to remove two driveways and to extend two driveways to 40' on the west side of the SW ¼, Section 13-6-2, Chelsea Township with a culvert required on the south driveway and no culvert required on the north driveway.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, and Yates  
Nays: Simacek

The Chairman declared the motion carried.

**DRIVEWAY PERMITS**

Cerny moved and Mueller seconded the motion to approve the following application for driveway permits:

Verlyn Naimon – widen existing driveway to 40' on the north side of the NE ¼, Section 5-6-2, Chelsea Township;  
Arnold Nadhenry – widen existing driveway to 40' on the west side of the NW ¼, Section 13-6-2, Chelsea Township;  
Kris Stengel – install a new 30' driveway on the east side of the SE ¼, Section 29-7-4, Bennett Township.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**OCCUPY COUNTY RIGHT-OF-WAY**

Simacek moved and Mueller seconded the motion to approve the following applications to occupy county right-of-way:

John Taylor Sr. – to bury electrical line between the SE ¼, Section 17 and the SW ¼, Section 16-7-2, Madison Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

October 28, 2008

John Taylor Farms – to bury electrical line between the SE ¼, Section 8 and the SW ¼, Section 9-7-2, Madison Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Bruce & Patricia Rocolle – to bury drainage tile between the NE ¼, Section 28 and the NW ¼, Section 27-8-1, Exeter Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**WIND FARM PUBLIC HEARING**

The public hearing regarding wind farms was opened at 10:30 a.m., as advertised. Planning & Zoning Administrator Geraldine Daniels, Gerald & Kim Slezak, Darlene Vodicka, and Evelyn Krupicka were present to discuss the wind farm regulations.

After discussion, the hearing was closed at 11:00 a.m. The Board instructed the Planning & Zoning administrator to seek further regulations and to hold another public hearing.

**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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

**GENERAL FUND:**

A-1 Body & Glass	Rep	293.59
Howard Ach, Atty.	Fees	50.00
Alltel	Uti	383.56
Ameritas Life Insurance Corp.	Ret	2,814.21
Jon Anderson	Uni, Post, Misc.	77.74
Aquila	Uti	45.46
Aramark Uniform Services, Inc.	Ser	693.88
Black Hills Ammunition	Sup	479.00
Blue Cross/Blue Shield of Nebraska	Insur	15,411.99
Buffalo County Court	Ser	1.75
William L. Burgess	Uni, Meals, Post, Sup	143.97
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
City of Seward	RAP	3,317.00
Constellation Energy	Uti	4.76
Crete Area Medical Clinic	Ser	478.67
Jill R. Cunningham	Parking	6.00
Dugan Business Forms	Sup	571.29
Election Systems & Software, Inc.	Sup	2,902.59
Erdkamp Motors	Main	96.00
Executive Copier Services	Ser	57.60
Fillmore County Hospital	Ser	25.00
Fillmore County Treasurer	Post	1,555.54
Galls – An Aramark Company	Sup	70.97
Geneva State Bank	Ser, SS	2,952.76
Geneva Super Foods	Sup	1,052.59
Norma Gregory	Ret	25.00
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Sup	3,790.42
Kerry's Auto Repair & Service	Parts	38.15
Dennis Kimbrough	Mile	364.89
Sandra Hale Kroeker	Ser	1,000.00
Lease Consultants Corp.	Ser	249.00
Lynn Peavey Company	Sup	153.68
Terry Marshall	Post	5.45
Ann H. McDonald	Ret	18.00
Robert McFarland	Misc, Uni	306.33
Microfilm Imaging System, Inc.	Ser	100.00
Mid-American Research Chemical	Sup	739.30
Rich Mueller/Thomas Biegert	Rent	650.00
National Assoc. of County Veteran's Service Dues		30.00
Nebraska Association of County Officials	Wksh	90.00

Nebraska Fire Sprinkler Corp.	Rep	925.00
Nebraska Public Power District	Uti	2,231.41
Polk County Court	Ser	3.25
Regency Lodge	Lodging	168.00
Steven G. Roemmich	Uni	35.00
Saline County Clerk	Budget request	2,246.49
Saline County Sheriff Office	Boarding Prisoners	1,495.00
Secretary of State	Ser	60.00
State of Nebraska As Central Finance	Ser	56.12
State of Nebraska DAS Material	Sup	5.00
State of Nebraska Dept. Correctional Serv.	Boarding Prisoners, Ser	553.65
Chad Summers	Uni	35.00
USDA, APHIS	Ser	1,835.00
Carroll L. Verhage, MD	Ser	57.50
Morre Wallace	Sup	52.74
Daniel L. Werner, P.C., LLO	Ser, Mile	2,354.67
Eric Williams	Lodging	100.80
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	108.64
Wingate Inn	Lodging	197.85
York Boot N' Repair	Rep	35.00
Payroll	Salaries	40,852.18
<b><u>ROAD/BRIDGE FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	1,591.24
Blue Cross/Blue Shield of Nebraska	Insur	9,807.63
Burmester, Inc.	Ser	5,825.00
Dorchester Farmers Coop	Fuel	2,603.89
Farm Plan	Parts, Sup	173.41
Geneva State Bank	SS	1,738.28
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	85.47
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	75.26
Lichti Oil	Fuel	4,985.47
NMC Exchange, LLC	Parts, Equip	175,879.56
Nebraska Bolt	Parts	55.94
Nebraska Public Power	Uti	309.71
Newman Traffic Signs	Sup	202.46
Orscheln	Parts	299.99
Perennial Public Power	Uti	41.02
Speece Lewis Engineers	Ser	2,797.75
Village of Ohiowa	Uti	20.00
Payroll	Salaries	24,062.27
<b><u>MEDICAL/RELIEF FUND:</u></b>		
DeWitt Funeral & Cremation Services, Inc.	Ser	1,201.00
<b><u>INSTITUTIONS FUND:</u></b>		
State of Nebraska Health & Human Serv.	Sept. Patient Care	186.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	134.06
Blue Cross/Blue Shield of Nebraska	Insur	934.06
Geneva State Bank	SS	170.64
JoAnn Vavra	Ser	132.00
Payroll	Salaries	2,246.22
<b><u>DRUG LAW ENFORCEMENT FUND:</u></b>		
Custom Cage	Equip	300.00
<b><u>INHERITANCE TAX FUND:</u></b>		
Carrier Corporation	Rep	4,950.88
Fillmore County Treasurer	Loan	69,800.00
<b><u>COURTHOUSE BOND FUND:</u></b>		
UMB, Bank	Principal, Interest	99,730.54
<b><u>ROAD BOND FUND:</u></b>		
UMB, Bank	Principal, Interest	90,601.37
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp	Ret	79.55
Blue Cross/Blue Shield of Nebraska	Insur	467.03
Geneva State Bank	SS	90.16
Payroll	Salaries	1,178.58
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Windstream	Uti	117.84

**CLAIMS APPROVED**

Cerny moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Yates, Simacek, and Cerny  
Nays: None                      Abstaining due to conflict of interest: Kimbrough

The Chairman declared the motion carried.

**RURAL APPREHENSION PROGRAM**

After discussion, Kimbrough moved and Mueller seconded the introduction of the following resolution:

**RESOLUTION 2008-42**

**WHEREAS**, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

**WHEREAS**, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 19 #08-MI-802); and

**WHEREAS**, the RAP project has been funded by the Nebraska Crime Commission; and

**WHEREAS**, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

**WHEREAS**, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq, would be in the best interest of all participating agencies; and

**WHEREAS**, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the Rap objectives and grant requirements of the Nebraska Crime Commission.

**BE IT RESOLVED THAT:** the Fillmore County Board of Supervisors authorizes William L. Burgess to enter the County of Fillmore into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city, and village. (Nebraska Revised Statute 13-801).

Amount of match dollars allocated by the County of Fillmore for the 2008-2009 grant period (RAP 19) will be \$3,317.00. (2000 census 6,634 x \$0.50).

Upon roll call, the vote was as follows:

Ayes: Galusha, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the resolution adopted.

**GENEVA RURAL FIRE**

Simacek moved and Galusha seconded the motion to approve the Geneva Rural Fire Protection District bond for James White effective November 1, 2008 and ending November 1, 2009. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**ALLTEL AMENDMENT TO SITE SUBLEASE**

After discussion, Cerny moved and Kimbrough seconded the motion to approve the first amendment to tower attachment communications site sublease agreement with Alltel originally signed on August 21, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**DRAINAGE ISSUE IN MADISON TOWNSHIP**

October 28, 2008

Larry Lewis with Speece Lewis Engineers reported to the Board his survey results in Section 15 and 16-7-2, Madison Township. Also attending were Elmer Hessheimer, County Highway Superintendent; Kent Theobald; Don Blankenau; Gean & Marlene Buerer; Jill Cunningham, County Attorney; and Howard Ach, Deputy County Attorney.

After discussion, the Board agreed with the report from Larry Lewis that the natural drainage area needs to be cleaned out first and then the Board will determine what needs to be done after that is completed. Larry Lewis will also contact the Core of Engineers to see what other options there are.

**TAX FORECLOSURE**

Howard Ach, Deputy County Attorney informed the Board that no one purchased the property in Ohiowa on the tax foreclosure sale. After discussion, the Board agreed to have Ray Capek talk to the Village of Ohiowa about purchasing this building. Further discussion will be held at a future Board meeting.

**ADJOURMENT**

Agenda item "County Burial Policy" was tabled until a future Board meeting. As there were no other items to come before the Board, Kimbrough moved and Mueller seconded the motion to adjourn until 9:10 a.m., November 12, 2008. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, and Yates  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:16 a.m., November 12, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Mueller was absent at 10:05 and Kimbrough was absent at 10:35 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:40 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the October 28<sup>th</sup> Board meeting as presented.

#### **FEE REPORTS**

Simacek moved and Kimbrough seconded the motion to approve the fee reports for the month of October:

**County Clerk:** \$7,782.27 (State \$4,611.59 & County \$3,470.68)  
**Clerk of District Court:** \$1,022.58  
**Sheriff:** \$1,517.89

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

#### **COUNTY BURIAL POLICY**

P. R. Farmer with Farmer and Sons Funeral Homes, Inc. presented a 4% increase in the County Burial Policy. After discussion, Mueller moved and Kimbrough seconded the motion to approve the 4% increase to \$1,485.00 per county burial effective January 1, 2009. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **CLOSED SESSION**

Cerny moved and Mueller seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personnel items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried and requested that the Deputy County Attorney, Howard Johnson and Annette Marget with the Hospital board, Paul Utemark Hospital Administrator, Julie Knutson Hospital attorney, and the County Clerk remain. Closed session began at 9:31 a.m.

#### **RETURN TO REGULAR SESSION**

Mueller moved and Simacek seconded the motion to return to open session at 10:03 a.m. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Simacek, Kimbrough, and Cerny  
Nays: None                      Absent: Yates

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

Simacek moved and Capek seconded the motion to approve the following applications for driveway permits:

Gary Saltzman – widen existing driveway to 40' on the west side of the NW ¼, of Section 29-5-3, Hamilton Township;

Jerry Engle – widen existing driveway to 40' on the south side of the SW ¼, of Section 25-6-2, Chelsea Township.

Upon roll call, the vote was as follows:



Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion approved.

### **OCCUPY COUNTY RIGHT-OF-WAY**

Galusha moved and Capek seconded the motion to approve the following applications to occupy county right-of-way:

Windstream Communications – to bury communications cable system between Section 1-8-4 and Section 2-8-4, Grafton Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, and Galusha  
Nays: None

The Chairman declared the motion carried.

### **MADISON TOWNSHIP DRAINAGE**

After discussion, the Board approved the Highway Superintendent to start the process of burning both east and west ditches from the intersection of Road J and Road 16 south to Turkey Creek this fall between sections 21 & 22, Madison Township. Once the Buerer's have the natural drainage cleaned out, will watch to see what needs to be done next. Kent Theobald, Gean and Marlene Buerer were present for the discussion.

### **BRYANT TOWNSHIP DRAINAGE**

Larry Paul was present to discuss the drainage tile between sections 23 & 24 Bryant township. After discussion, the Board requested that more information be obtained to determine the responsibility if this were to collapse.

### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### **GENERAL FUND:**

Howard F. Ach, Atty.	Rent, Post, Sup, Meals, Misc.	3,312.78
Action Auto Supply	Sup	6.14
Ameritas Life Insurance Corp.	Ret	2,756.68
Jon Anderson	Uni	35.00
Axis Capital, Inc.	Ser	243.32
Bottorf & Maser, Atty.	Ser, Mile	1,532.64
William L. Burgess	Uni, Meals	66.24
Business World Products, Inc.	Sup	33.21
Daryl L. Callenius	Uni, Meals, Fuel	76.63
Carrier Corporation	Rep	750.00
Larry Cerny	Mile	210.60
City of Geneva	Uti	517.00
Corner Stop	Fuel	110.61
Cornhusker State Industries	Sup	155.80
Dell Marketing, L.P.	Equip	224.25
Duckwall – Alco Stores, Inc.	Sup	66.45
Eakes Office Plus	Sup	1,168.20
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Sup, Ser	6,943.21
Fillmore County Building & Grounds	Petty Cash	48.99
Fillmore County Clerk of District Court	Fees	149.00
Fillmore County Hospital	Ser	75.00
Fillmore County Treasurer	Taxes	4,285.91
First Concord Benefits Group	Ser	213.00
Franklin County Treasurer	Sup	17.97
Gambles of Geneva	Sup	95.74
Geneva State Bank	SS	2,866.16
Geneva Super Foods	Sup	1,186.93
Hilty's of Geneva	Sup	513.43
Hometown Leasing	Ser	704.65
Information Systems	Sup, Ser	157.44
Steve Julich	Uni, Sup	49.87
Ken's Pharmacy	Sup	11.96
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,124.59
Stephen J. Kraviec	Ser	5,524.00

November 12, 2008

Lancaster County Sheriff's Office	Ser	18.72
Lichti Oil	Fuel	142.06
Robert McFarland	Uni	35.00
Mel's Automotive	Rep	85.00
MIPS, Inc.	Ser	2,695.52
The Nebraska Signal	Pro, Ads, Misc.	1,935.91
Amy Nelson	Mile	58.50
Platte Valley Communications of Hastings	Rep, Equip	759.75
R & D Parts, LLC	Sup	11.32
Ralph's Geneva Tire & Service Center	Rep	276.06
Steven G. Roemmich	Uni	35.00
Secretary of State Rules & Regulations	Ser	40.00
Seiler & Parker, P.C.	Ser, Mile	1,718.48
Shell Fleet Plus	Fuel	2,699.94
Albert Simacek	Mile	315.80
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir.	Ser	234.00
Chad Summers	Uni	35.00
UN – L IS Telecommunications	Uti	4.41
Brandy VanDeWalle	Wksh, Meals, Mile	449.84
Walter F. Stephens, Jr., Inc.	Sup	247.37
Watchguard Video	Sup	55.00
Eric Williams	Mile, Post	216.23
Windstream	Uti	175.55
Payroll	Salaries	40,046.46

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts	21.34
Alltel	Uti	90.53
Ameritas Life Insurance Corp.	Ret	1,597.98
Aquila	Uti	69.05
Auto Value Parts Stores	Parts, Sup	877.37
Casey's General Store	Fuel	134.40
Century Lumber Center	Parts, Sup	273.52
City of Geneva	Uti	57.00
Dorchester Farmers Coop	Fuel	1,198.30
Gambles	Sup, Misc.	185.80
Geneva Implement	Parts	9.50
Geneva State Bank	SS	1,762.55
Geneva Welding & Supply, Inc.	Parts, Sup	638.90
Grafton Oil	Fuel	2,962.96
Jill's Sweet Shop	Misc.	18.00
Lichti Oil	Fuel, Parts	2,005.85
M & B Business Machine Service	Main	330.00
Mike's Radiator & Tire	Rep	20.00
Nebraska Iowa Industrial Fasteners	Sup	99.31
Nichols Construction	Gravel	71,058.10
Nick's Farm Store	Parts	8.20
Perennial Public Power	Uti	26.75
Platte Valley Communications	Equip	1,237.28
Ralph's Geneva Tire & Service	Rep	86.35
Roit Repair	Rep	24.59
Donna Saltzman	Ser	15.00
Superior Deshler, Inc.	Fuel	70.48
Titan Access Account	Parts	126.58
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	16.37
Village of Grafton	Uti	21.07
Payroll	Salaries	24,379.39

**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.16
Janet Bartak	Mile, Meals	143.72
Dawg's Smokehouse Café	HDM's	299.00
Judy Dondlinger	Ser	168.00
Exeter Care Center	HDM's	240.00
Exeter Senior Center	LAAA, USDA	287.05
Fairmont Aging Services	LAAA, USDA	1,854.05
Geneva Senior Center	Rent, USDA, LAAA, Uti	2,860.25
Geneva State Bank	SS	171.04
Susan Kerl	Ser	168.00
Jeannine Krejci	Ser	156.00
Brenda Motis	Mile	91.41
Pioneer Publishing	Ad	20.10
Ron's Tavern	HDM's	145.00
Shell Fleet Plus	Fuel	76.11
Rhonda Stokebrand	Mile	146.10
Payroll	Salaries	2,251.50

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	79.55
Geneva State Bank	SS	90.16
Payroll	Salaries	1,178.58

**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Taxes	364.99
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**CLAIMS APPROVED**

Galusha moved and Cerny seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, Galusha, and Capek  
Nays: None                      Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

**WIND FARM REGULATIONS**

After discussion, Cerny moved and Galusha seconded the motion to approve the wind farm regulations as presented at the October 28<sup>th</sup> Board meeting. Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, Galusha, Capek, and Yates  
Nays: None

The Chairman declared the motion carried.

**NIRMA RECOMMITMENT**

Capek moved and Galusha seconded the motion to introduce the following resolution:

**RESOLUTION 2008-43**

**WHEREAS**, Fillmore County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) pursuant to the Intergovernmental Risk Management Act (Neb.Rev.Stat. §44-4301 et. Seq.) and the Nebraska Interlocal Cooperation Act (Neb.Rev.Stat. §13-801 et seq.); and

**WHEREAS**, Counties and other Public Agencies as defined in §44-303 are allowed to participate in said cooperative undertakings; and

**WHEREAS**, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through pooling of insurance purchasing by local government, and

**WHEREAS**, NIRMA and NIRMA II have provided coverages to the County in a cost effective way which meet and exceed those provided by standard insurance carriers; and

**WHEREAS**, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims, and litigation management, and coverages tailored to address loss exposures a county faces not economically available from other sources; and

**WHEREAS**, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

**WHEREAS**, the current Intergovernmental/Interlocal Agreements will expire on July 31, 2009, and

**NOW, THEREFORE, BE IT RESOLVED** that the Fillmore County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for the period August 1, 2009 through June 30, 2012; and
2. Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, and Simacek  
Nays: None                      Abstaining due to conflict of interest: Cerny

The Chairman declared the resolution adopted.

**EMERGENCY DECLARED TO ADD ITEM TO AGENDA**

November 12, 2008

At the request of the County Board, Simacek moved and Capek seconded the motion to declare an emergency in order to add an item to the agenda, said item "Discussion of Personnel". Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

### **CLOSED SESSION**

Cerny moved and Capek seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personnel items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Cerny  
Nays: None

The Chairman declared the motion carried and requested that the County Clerk remain. Closed session began at 11:22 a.m.

### **RETURN TO REGULAR SESSION**

Galusha moved and Cerny seconded the motion to return to open session at 11:30 a.m. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, and Cerny  
Nays: None

The Chairman declared the motion carried.

### **COURTHOUSE REPAIRS**

After discussion, Cerny moved and Simacek seconded the motion to approve the proposal from Dennis Hail to seal the gutters and replace the down spouts on the courthouse for \$12,680.00. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Cerny, and Galusha  
Nays: None

The Chairman declared the motion carried.

### **ADJOURMENT**

Agenda items "Christmas holiday and mileage reimbursement for Board" were tabled until a future Board meeting. As there were no other items to come before the Board, Cerny moved and Galusha seconded the motion to adjourn until 9:00 a.m., November 25, 2008. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Cerny, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., November 25, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:40 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the November 12<sup>th</sup> Board meeting as presented.

#### **OCCUPY COUNTY RIGHT-OF-WAY**

Mueller moved and Galusha seconded the motion to approve the following applications to occupy county right-of-way:

Nebraska Game and Parks – to bury electrical line between the SE ¼, Section 21 and the NE ¼, Section 28-5-3, Hamilton Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Nebraska Game and Parks – to bury water line between the SE ¼, Section 21 and the NE ¼, Section 28-5-3, Hamilton Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Ted Marek – to bury electrical line between the SW SE ¼, Section 32-8-1, Exeter Township and NW NE ¼, Section 5-7-1, Liberty Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

#### **VACATION OF COUNTY ROAD "B"**

After discussion, Galusha moved and Kimbrough seconded the introduction of the following resolution:

#### **RESOLUTION 2008-44**

**WHEREAS**, pursuant to Nebraska Revised Statute §39-1722, the County Board of Fillmore County, Nebraska, may, by resolution when it deems the public interest may require vacation or abandonment of a public road of the County, and may direct the County Highway Superintendent to study the use being made of such public road and to submit in writing to the County Board his recommendation as to the vacation or abandonment thereof; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, directed the above referenced study to be made and such study was made with regard to inside Section Nine (9), Township eight (8) North, Range three (3) West of the 6<sup>th</sup> P.M. in Fillmore County, Nebraska, and directed that the County Highway Superintendent submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation or abandonment thereof and directed that such report be retained in the office of the County Clerk of Fillmore County, Nebraska; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, pursuant to Nebraska Revised Statute §39-1724, has the authority to adopt a resolution fixing the time, date, and place for a public hearing upon receipt of the above referenced study and publish such resolution once a week for three consecutive weeks in a legal newspaper published in the County and cause copies to be served by registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned by mailing the same to the last known address of each owner not less than two weeks in advance of the hearing; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, adopted the above referenced Resolution and complied with Nebraska Revised Statutes §39-1722 and §39-1724.

**WHEREAS**, Fillmore County has offered to relinquish the above referenced road to the West Blue Township by written notification to said Township on July 22, 2008 and that four (4) months have elapsed since said notification and that the notified township has not filed a petition indicating its desire to maintain such road

pursuant to Nebraska Revised Statute §39-1726 and has in fact conveyed to the Board its approval of such vacation of roadway.

**WHEREAS**, the Board of Supervisors of the County of Fillmore, have by a vote of two-thirds of more voted to vacate the inside roadway running east and west in direction through the center of Section nine (9), Township eight (8) North, Range three (3) West of the Sixth Principal Meridian in Fillmore County, Nebraska.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Fillmore County, Nebraska, upon a vote of at least two-thirds of all members, deems that the public interest and public good, require the abandonment of the above referenced roadway and

**BE IT FURTHER RESOLVED**, that the Fillmore County Board does hereby vacate the inside roadway running east and west in direction through the center of Section nine (9), Township eight (8) North, Range three (3) West of the Sixth Principal Meridian in Fillmore County, Nebraska, and that the ownership of the vacated portion of the inside roadway of said Section nine (9) is hereby awarded and does hereby revert to the following persons:

1. The South half of said vacated roadway abutting the Southwest Quarter (SW ¼) of Section Nine (9) and the bridge presently located on the vacated roadway shall become the sole and separate property of William Softley.
2. The North half of said vacated roadway abutting the Northwest Quarter (NW ¼) of Section Nine (9) and the bridge presently located on the vacated roadway shall become the sole and separate property of Audrun Siebert.
3. The South half of said vacated roadway abutting the Southwest Quarter (SE ¼) of Section Nine (9) shall become the sole and separate property of Lauber Seed Company.
4. The North half of said vacated roadway abutting the Southeast Quarter (SE ¼) of Section Nine (9) shall become the sole and separate property of Lauber Seed Company.

That the owners of said vacated roadway are being awarded the portions of the vacated road upon the following conditions:

1. The ownership of the bridge that is presently located on the West One-half of the vacated roadway which is presently located in Section Nine (9) is hereby awarded to and shall become the sole and separate property of the adjacent landowners, to-wit: the North half of said bridge is hereby awarded and shall become the sole and separate property of Audrun Siebert and the South half of said bridge is hereby awarded and shall become the sole and separate property of William Softley. Said owners of the bridge shall be responsible for the repair, upkeep and/or removal of said bridge, all pilings and bridge abutments for said bridge.
2. If the respective landowners are desirous of determining the exact center of the vacated road or the portion of the vacated road which each shall own following the vacation of said, then it shall be the responsibility and expense of the four landowners to conduct a survey in order to resolve that issue.
3. It shall be the sole responsibility of the respective landowners to construct and maintain a barricade at the east and west ends of the vacated roadway in order to prevent usage roadway by any person other than the record owners of the vacated roadway and their guests.
4. It shall be the sole responsibility of the respective landowners heretofore described to notify their liability insurance carriers of their acquisition of the vacated portion of the roadway so as to provide said insurance carriers with knowledge that said vacated roadway is now owned by the respective owners for purposes of liability insurance coverage.
5. The County will have no liability or responsibility in regard to the bridge that is being awarded to the adjacent land owners, to-wit; Aubrun Siebert and William Softley.
6. The County shall have no responsibility or liability with regard to the maintenance of the vacated roadway or with respect to placing barricades at the east and west end of said vacated roadway.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None Abstaining: Simacek

The Chairman declared the resolution adopted.

## **FUEL CONTRACTS**

After discussion, the Board directed the Highway Superintendent Elmer Hessheimer to set up a letting for fuel at a future Board meeting.

## **CLOSED SESSION**

Simacek moved and Capek seconded the motion that the Fillmore County Board of Supervisors hold a closed session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and to consider in closed session personnel items authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough

Nays: None

The Chairman declared the motion carried and requested that the Emergency Manager, his wife, and the County Clerk remain. Closed session began at 10:27 a.m.

## **RETURN TO REGULAR SESSION**

Capek moved and Simacek seconded the motion to return to open session at 11:01 a.m. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

### **WIND FARM REGULATIONS**

Gerald Slezak was present to discuss with the Board his concerns with the current wind farm regulations. After discussion, the Board directed the Planning and Zoning Administer Geraldine Daniels to have a hearing to amend the zoning regulations to add wind farms to the Special Use Permit section and to correct the portion of the wind farm regulations to state that they must obtain a Special Use Permit before putting in a wind farm. The Planning Commission will have a hearing at the December 15<sup>th</sup> meeting and the County Board will have a hearing at the December 23<sup>rd</sup> meeting at 10:30 a.m.

### **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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### **GENERAL FUND:**

Joan Ackland	Meals	25.17
Alltel	Uti	430.68
Ameritas Life Insurance Corp.	Ret	2,830.53
Aramark Uniform Services, Inc.	Ser	441.11
Bottorf & Maser, Atty.	Ser, Mile	279.26
Marilyn Christiancy	Election, Ret	121.45
City of Geneva	Rent	484.00
Eakes Office Plus	Sup	20.39
Election Workers	Election	5,314.54
Executive Copier Services	Ser	71.33
Fillmore County Hospital	Ser	100.00
Fillmore County Treasurer	Equip, Post	24,712.00
First Concord Group, Inc.	Insur	2,736.50
Franklin County Treasurer	Sup	21.60
Galls	Sup	83.95
The Garbage Co., Inc.	Ser	151.76
Geneva State Bank	Ser. SS	2,966.56
Geneva TV & Appliance, Inc.	Rep	92.50
Norma Gregory	Ret	25.00
Frances Heinrichs	Election	103.10
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,676.81
Kerry's Auto Repair & Service	Rep	409.35
Stephen J. Kraviec	Ser, Post	1,733.87
Lafayette Life Insurance Co.	Insur	161.35
Lancaster County Sheriff	Ser	48.09
Loup Valley Lighting, Inc.	Sup	148.66
Terry Marshall	Uti	119.60
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
Midwest Engines	Rep, Parts	410.60
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Wksh	1,440.00
Nebraska Public Power District	Uti	933.34
Nebraska State Bar Association	Dues	355.00
Neopost, Inc.	Ser	50.00
OMB Express Police Supply	Sup	30.98
Southeast District Assessor's Assoc.	Dues	20.00
Saline County Sheriff Office	Boarding Prisoners	195.00
Jon Scoville	Mile	82.48
Shell Fleet Plus	Fuel	2,316.57
State of Nebraska Dept. Correctional Svcs.	Boarding Prisoners	1,580.26
Symbol Arts	Sup	249.00
Weathertap	Ser	184.80
Weaver Pharmacy	Sup	119.31
Daniel Werner	Ser, Mile	1,230.95
West Payment Center	Sup	180.50
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,141.37
Verlene Yates	Election	105.63
Payroll	Salaries	41,032.04

#### **ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,603.33
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November 25, 2008

Contech Construction Products	Culverts	7,487.50
Corner Stop	Fuel	2,355.55
Dorchester Farmers Coop	Fuel	4,549.96
Fastenal Company	Sup	85.14
Fillmore County Hospital	Ser	26.00
The Garbage Company	Ser	73.07
Geneva State Bank	SS	1,806.11
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	59.05
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	1,076.96
NMC Exchange LLC	Parts, Sup	1,786.68
Nebraska Public Power	Uti	185.78
Nichols Collision Center	Rep	55.00
Overland Sand & Gravel	Gravel	7,453.93
Perennial Public Power	Uti	40.69
Shell Fleet Plus	Fuel	1,050.25
Speece Lewis Engineers	Ser	854.38
USIS Commercial Services	Ser	59.80
Windstream	Uti	141.23
Payroll	Salaries	24,948.55

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	Oct. Patient Care	153.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.16
Geneva State Bank	SS	155.05
Lafayette Life Insurance Company	Insur	9.00
Shell Fleet Plus	Fuel	11.56
JoAnn Vavra	Ser	144.00
Payroll	Salaries	2,042.48

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	79.55
Geneva State Bank	SS	90.16
Lafayette Life Insurance Company	Insur	1.36
Payroll	Salaries	1,178.58

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	165.24
Windstream	Uti	986.84

**CLAIMS APPROVED**

Cerny moved and Kimbrough seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller  
Nays: None

The Chairman declared the motion carried.

**CHRISTMAS HOLIDAY**

After discussion, Cerny moved and Capek seconded the motion to close at noon on December 24<sup>th</sup> and be open on December 26<sup>th</sup> unless the Federal or State government declares December 26<sup>th</sup> a holiday and then the courthouse will be closed on December 26<sup>th</sup>. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**EXTENSION BOARD**

Simacek moved and Galusha seconded the motion to appoint Lynn Yates and Glen Capek to the Extension Board for a three year term beginning January 1, 2009 and ending December 31, 2011. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

**GENERAL ASSISTANCE 2008-03**



November 25, 2008

After discussion, Galusha moved and Kimbrough seconded the motion to approve a one-time payment of \$565.00 for back rent for applicant 2008-03. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

### **ADJOURMENT**

Agenda items "Stanton Township bridge project and mileage reimbursement for board members" were tabled until a future Board meeting. As there were no other items to come before the Board, Mueller moved and Cerny seconded the motion to adjourn until 9:10 a.m., December 9, 2008. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek

Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., December 9, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, and Galusha. Capek absent until 9:18 a.m. and Cerny absent at 10:30 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:15 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the November 25<sup>th</sup> Board meeting as presented.

#### **FEE REPORTS**

Cerny moved and Capek seconded the motion to approve the fee reports for the month of August:

**County Clerk:** \$3,455.20 (State \$1,434.51 & County \$2,020.69)

**Clerk of the District Court:** \$388.07

**Sheriff:** \$791.73

Upon roll call, the vote was as follows:

Ayes: Galusha, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

Galusha moved and Simacek seconded the motion to approve the following applications for driveway permit:

Robert G. Lovegrove – install a new driveway on the south side of the SE ¼, Section 14-7-3, Geneva Township.

Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha

Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT PERMIT**

Galusha moved and Capek seconded the motion to approve the following application to clean silt from the road ditch:

Robert G. Lovegrove - clean silt from the road ditch in SE ¼, Section 16 and Section 15-7-4, Bennett Township.

Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

#### **2009 CONSULTING CONTRACT**

After discussion, Kimbrough moved and Galusha seconded the motion to approve the 2009 Consulting Contract with Speece Lewis Engineers beginning January 1, 2009 and ending December 31, 2009. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Cerny, Mueller, Galusha, Capek, and Yates

Nays: None

The Chairman declared the motion carried.

#### **STOP SIGN**

Mueller moved and Kimbrough seconded the introduction of the following resolution:

#### **RESOLUTION 2008-45**

In accordance with the standards set forth in the Manual for Uniform Traffic Control Devices, as from time to time amended, and

**WHEREAS**, it is in the best interest of Fillmore County, Nebraska, to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following location:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the intersection of County Road L and 11, sign to be placed on Road L on the east side of this intersection

**NOW THEREFORE** Be it Resolved by the Fillmore County Board of Supervisors that this resolution is approved this 9<sup>th</sup> day of December, 2008.

Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the resolution adopted.

**2009 LETTING & HEARING DATES**

After discussion, Cerny moved and Mueller seconded the motion to approve the 2009 letting and hearing dates for the Road’s Department. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**YORK COUNTY HOSPITAL BILL**

Deputy County Attorney, Howard Ach, informed the Board that York General Hospital does not contract with any County; they would offer us a 12% discount regarding this bill.

After discussion, Kimbrough moved and Capek seconded the motion to pay York General Hospital the bill less the 12% discount from the total bill, less the Medicaid rate that the County has already paid. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**MILEAGE RATE**

After discussion, Capek moved and Simacek seconded the motion to change the mileage rate to \$.55 and \$.58 for the County Sheriff serving papers and orders effective January 1, 2009. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Mueller  
Nays: None

The Chairman declared the motion carried.

**EMPLOYEE RECOGNITION DINNER**

After discussion, Mueller moved and Capek seconded the motion to have the employee recognition dinner on February 7, 2009. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**BUSINESS BANKER**

After discussion, Mueller moved and Kimbrough seconded the motion to go with Business Banker with Geneva State Bank for the County. Upon roll call, the vote was as follows:

Ayes: Yates, Kimbrough, Mueller, Galusha, and Capek  
Nays: None Abstaining: Simacek

The Chairman declared the motion carried.

**EMERGENCY MANAGER**

After discussion with Emergency Manager, the Board informed him that must to report to the Sheriff's office as well as the County Clerk's office when he was going to be out of town or sick. Board will contact personnel attorney to see where to proceed from here and report back at a future Board meeting.

### 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### **GENERAL FUND:**

A-1 Body & Glass	Rep	250.00
Howard F. Ach, Atty.	Rent, Post	3,300.16
Ameritas Life Insurance Corp.	Ret	2,884.47
Andrew's Electric Co., Inc.	Rep	56.80
Auto Value Parts Stores	Sup	4.19
Axis Capital, Inc.	Ser	243.32
Barnas Drug, Inc.	Sup	85.50
Joseph N. Bixby, DR	Ser	637.50
Black Hills Energy	Uti	702.34
Blue Cross Blue Shield of Nebraska	Insur	15,411.99
Botdorf & Maser, Atty.	Ser, Mile	688.52
Business Office Systems, Inc.	Sup	225.00
Century Lumber Center	Sup	46.97
City of Geneva	Uti	128.20
Constellation Energy	Uit	63.07
Des Moines Stamp Mfg., Co.	Sup	9.00
Duckwall – Alco Stores, Inc.	Sup	107.71
Dugan Business Forms	Sup	334.73
Earls Window Service	Ser	5.00
Executive Copier Services	Sup	12.99
Fillmore County Clerk	Misc.	10.00
Fillmore County Clerk of District Court	Fees	209.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Hospital	Ser	231.84
Fillmore County Medical Center	Ser	50.77
Fillmore County Treasurer	Taxes, Misc.	6,169.73
First Concord Benefits Group, LLC	Ser	213.00
Geneva State Bank	SS	2,992.82
Geneva State Bank – Shickley	Election Rent	35.00
Geneva Super Foods	Sup	637.74
Grafton Community Building	Election Rent, Set-up	55.00
Hometown Leasing	Ser	704.65
Jim's Repair	Rep	378.75
John Kassik	Election Set-up	20.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,479.08
Stephen J. Kraviec	Ser, Post	1,699.67
Lancaster County Sheriff	Ser	23.08
Lease Consultants Corp.	Ser	249.00
Loup Valley Lighting, Inc.	Sup	467.52
Lynn Peavey Company	Sup	68.88
Terry Marshall	Misc.	59.96
Mid-American Research Chemical	Sup	432.04
Midwest Engines	Main	842.00
MIPS, Inc.	Ser, Equip	2,911.37
The Nebraska Signal	Pro, Ads	488.98
O'Keefe Elevator Company, Inc.	Main	214.20
Plains Power & Equipment, Inc.	Sup	207.18
Platte Valley Communications	Sup	60.00
Ralph's Geneva Tire & Service Center	Rep, Main	115.30
Saline County Sheriff	Ser	47.00
Secretary of State Rules & Regulations	Ser	40.00
Seiler & Parker, P.C.	Ser, Mile	1,045.02
State of Nebraska AS Central Finance	Ser	56.12
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Dept. Correctional Serv.	Sup	10.00
State of Nebraska Public Health Envir. Lab	Ser	63.27
UN-L IS-Telecommunications	Uti	12.15
Brandy VanDeWalle	Meals, Mile	244.87
Weaver Pharmacy	Sup	5.19
Windstream	Uti	229.87
Payroll	Salaries	41,701.97

#### **ROAD/BRIDGE FUND:**

Alltel	Uti	86.81
Ameritas Life Insurance Corp.	Ret	1,604.15
Black Hills Energy	Uti	340.04

		December 9, 2008
Blue Cross Blue Shield of Nebraska	Insur	9,807.63
Casey's General Store	Fuel	49.45
Century Lumber Center	Parts, Sup	55.53
City of Geneva	Uti	60.20
Dorchester Farmers Coop	Fuel	1,073.10
Farm Plan	Parts, Rep	175.52
Filter Care of Nebraska	Parts	48.55
Friesen Chevrolet, Inc.	Parts, Rep	516.68
Geneva Implement	Parts	72.81
Geneva State Bank	SS	1,769.54
Geneva Welding & Supply, Inc.	Parts, Sup	638.90
Grafton Oil	Fuel, Sup	1,738.38
Lichti Oil	Fuel, Parts	11,321.41
Midwest Steel Fabricators	Sup	32.40
Nebraska Iowa Industrial Fasteners	Sup	158.22
Nebraska LTAP	Wksh	90.00
Newman Traffic Signs	Sup	646.59
Nichols Construction	Gravel	86,495.21
Perennial Public Power	Uti	33.84
Power Plan	Parts	26.84
Ralph's Geneva Tire & Service Center	Sup, Rep	3,738.40
Village of Fairmont	Uti	42.64
Village of Grafton	Uti	21.07
Payroll	Salaries	24,470.83
<b><u>MEDICAL/RELIEF FUND:</u></b>		
Fillmore County Treasurer	Misc.	565.00
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	133.16
Janet Bartak	Mile	81.90
Blue Cross Blue Shield of Nebraska	Insur	934.06
Dawg's Smokehouse Café	HDM's	247.00
Judy Dondlinger	Ser	132.00
Geneva Senior Center	Rent, Uti	120.32
Geneva State Bank	SS	165.71
Joan Henke	Mile	83.07
Susan Kerl	Ser	120.00
Brenda Motis	Sup, Mile	64.26
The Nebraska Signal	Sup, Ad	103.18
Ron's Tavern	HDM's	125.00
JoAnn Vavra	Ser	96.00
Payroll	Salaries	2,181.83
<b><u>INHERITANCE TAX FUND:</u></b>		
Jeff's Tree Service	Ser	1,500.00
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	Nov. Taxes	478.49
<b><u>NOXIOUS WEED FUND:</u></b>		
Alltel	Uti	76.26
Ameritas Life Insurance Corp.	Ret	79.55
Blue Cross Blue Shield of Nebraska	Insur	467.03
City of Geneva	Uti	44.60
Merlin Ehmen	Rent, Sup, Post	484.53
Geneva State Bank	SS	90.16
Grafton Mini Mart	Fuel	321.45
Payroll	Salaries	1,178.58
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Wahltek, Inc.	Equip	495.00

#### CLAIMS APPROVED

Simacek moved and Mueller seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, Mueller, Galusha, and Capek

Nays: None

Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

#### ADJOURMENT

Agenda item "Section 1 & 12, Stanton Township Bridge" was tabled until a future Board meeting. As there were no other items to come before the Board, Mueller moved and Capek seconded the motion to adjourn until 9:00 a.m., December 23, 2008. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., December 23, 2008, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The Deputy County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. 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 meeting adjourned at 11:05 a.m.

### MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the December 9<sup>th</sup> Board meeting as presented.

### GRAFTON RURAL FIRE DISTRICT

Galusha moved and Cerny seconded the motion to approve the Grafton Rural Fire District bond for Jerry L. Otte, beginning February 9, 2009 and ending February 9, 2010. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, Capek, Yates, Simacek, and Kimbrough  
Nays: None

The Chairman declared the motion approved.

### SAFETY COMMITTEE

Kimbrough moved and Galusha seconded the motion to reappoint Robert Mueller, Pat Halbur, Daryl Callenius, and Mary Novak to a two year term beginning January 1, 2009 and ending December 31, 2010. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny  
Nays: None                      Abstaining due to conflict of interest: Mueller

The Chairman declared the motion carried.

### 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, Uni – uniform allowance, Uti – utilities, Wksh – workshop expense.

#### GENERAL FUND:

Howard Ach	Ser	340.50
Alltel	Uti	415.84
Ameritas Life Insurance Co	Ret	2,758.51
Aramark Uniform Services Inc	Ser	561.40
Blue Valley Community Action Ptnshp	Misc	4,559.25
Marilyn Christianity	Ser	25.00
City of Geneva	Rent	484.00
Dell Marketing LP	Sup	186.94
Diebold Inc	Main	152.00
Dixon County Sheriff's Office	Ser	5.00
Dugan's Business Forms	Sup	96.00
Eakes Office Plus	Sup	871.84
Erdkamp Motors	Main	122.45
Executive Copier Services	Sup	61.11
Fillmore Central Elementary School	Misc	30.00
Fillmore County Sheriff	Ser	481.40
Fillmore County Treasurer	Post, Misc	682.20
First Concord Benefits Group LLC	Misc	2,509.03
Gambles	Sup	246.62
The Garbage Company	Uti	152.86
Geneva Activity & Education Dept	Sup	110.00
Geneva State Bank	SS	3,036.84
Geneva State Bank	Sup, Ser	93.44
Norma Gregory	Ser	25.00
Holiday Inn	Lodging	1,551.98
Kalkwarf & Smith Law Offices	Ser	2,680.55
Kerry's Auto Repair & Service	Ser	743.95
Lafayette Life Insurance Co	Insur	161.35
Lease Consultants Corporation	Lease	249.00
Ann McDonald	Ser	18.00
Microfilm Imaging Systems Inc	Lease	100.00
Moore Wallace	Sup	78.02
Rich Mueller/Thomas Biegert	Rent	650.00
National Assoc of County Recorders	Dues	55.00

December 23, 2008

Nebraska Public Power District	Uti	769.01
The Nebraska Signal	Misc	30.50
Amy Nelson	Mile	179.46
Paper Tiger Shredding	Ser	58.35
Region V Systems	Ser	1,870.00
Saline County Sheriff Office	Ser	1,235.00
Secretary of State	Sup	5.00
The Sentinel	Misc	30.00
St of NE, AS Central Finance	Ser	56.09
St of NE, Public Health Env Lab	Ser	131.93
Thayer County Court	Sup	1.75
Thayer County Sheriff	Ser	16.00
Daniel L Werner	Ser	812.80
Eric Williams	Mile	92.15
Williams Exterminating Inc	Ser	110.00
Windstream	Uti	1,151.25
York Boot N Repair	Rep	40.00
York General Hospital	Misc	461.78
Payroll	Salaries	30,512.17

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Co	Ret	1,601.80
Auto Value Parts Stores	Sup	344.51
Corner Stop	Fuel	1,606.77
Dorchester Farmers Coop	Fuel	4,419.88
Gambles	Sup	15.98
Garbage Company	Uti	73.60
Geneva State Bank	SS	1,784.53
Ralph Gould	Ser	18.00
Grafton Mini Mart	Fuel	38.18
Pat Halbur	Mile	83.65
Donovan Jirkovsky	Ser	25.00
Kerry's Auto Repair & Service	Sup	535.90
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	2,972.31
Nebraska Public Power District	Uti	203.04
NMC Exchange LLC	Ser	2,598.70
Overland Sand & Gravel	Gravel	4,466.11
Roit Repair	Ser	54.38
Shell Fleet Plus	Fuel	764.08
Speece Lewis Engineers	Ser	675.20
Superior Deshler Inc	Fuel	49.18
Village of Exeter	Uti	15.00
Windstream	Uti	135.10
Payroll	Salaries	17,943.53

**ECONOMIC DEVELOPMENT – TOURISM**

Fillmore County Development Corp	Misc	663.68
Southeast Nebraska Tourism	Dues	25.00

**INSTITUTION**

Health & Human Services System	Nov patient care	90.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp	Ret	133.16
Janet Bartak	Mile	81.90
Fillmore County Treasurer	Post	10.00
Geneva State Bank	SS	193.18
Jeannine Krejci	Ser	132.00
Lafayette Life Insurance Company	Insur	9.00
Elizabeth Mattox Manning	Ser	84.00
Payroll	Salaries	2,098.18

**INHERITANCE TAX**

Biegert Construction Company	Ser	680.00
Jeff's Tree Service	Ser	2,500.00

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Company	Ret	79.55
Geneva State Bank	SS	90.16
Lafayette Life Insurance Company	Insur	1.36
Payroll	Salaries	935.38

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	131.57
Windstream	Uti	990.03

**CLAIMS APPROVED**



Capek moved and Simacek seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

After discussion, Mueller moved and Cerny seconded the motion to approve the Windstream Maintenance Agreement for the E911 Equipment. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Benedict Walters Trust – to widen existing driveway to 40' on the west side of the SW ¼, Section 22-6-4, Momence Township;  
Iola Weiss – to widen existing driveway to 40' on the north side of the NW ¼, Section 24-6-2, Chelsea Township.

The Chairman declared the motion carried.

Iola Weiss - clean silt from the road ditch in Sections 13 and 24-6-2, Chelsea Township;  
Elden Walters Trust – clean silt from the road ditch in the NW ¼ and the NE ¼, Section 35-5-4, Bryant Township.

The Chairman declared the motion carried.

Elden Walters Trust – to bury electrical line between the SW ¼, Section 26 and the NW ¼, Section 35-5-4, Bryant Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Larry Edzards – to bury electrical line between the NW ¼, Section 32 and the SW ¼, Section 29-5-2, Belle Prairie Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

The Chairman declared the motion carried.

After discussion, the Board decided that due to a conflict of interest with the County Attorney's office on the bridge project between Sections 1 & 12, Stanton that they would hire an outside attorney to start the condemnation process.

**NATURAL DRAINAGE ISSUES**

After discussion, the Board will have the County Attorney send letters to landowners regarding cleaning out their natural drainage issues with the following properties; the Elk Run Creek, Section 15, Fairmont Township, and Section 18 Grafton Township ditch cleaning.

**DIESEL FUEL BIDS**

Bids for diesel fuel were opened at 9:45 a.m. as advertised. The following bids were received:

**D Grade #2 Premium Diesel:**

Aurora Coop (pricing good March 1<sup>st</sup> to November 15<sup>th</sup>): Exeter, Fairmont, Geneva, Grafton, Milligan, Ohioa, Shickley, and Strang all \$2.16

Dorchester Farmers Coop (pricing good March 1<sup>st</sup> to November 15<sup>th</sup>): Exeter, Fairmont, Milligan, Ohioa, Shickley, and Strang all \$1.93 – Geneva \$1.83 and Grafton \$1.96

Lichti Oil (pricing good January 1<sup>st</sup> to September 30<sup>th</sup>): Exeter, Fairmont, Geneva, Grafton, Milligan, Ohioa, Shickley, and Strang all \$2.015

**Blended Diesel Fuel w/D Grade #2 Premium Diesel:**

Lichti Oil: (pricing good January 1<sup>st</sup> to September 30<sup>th</sup>): Exeter, Fairmont, Geneva, Grafton, Milligan, Ohioa, Shickley, and Strang all \$2.115

**DIESEL FUEL LETTING**

After discussion, Kimbrough moved and Galusha seconded the motion to accept the bid from Lichti Oil as it was the only complete bid. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Yates, Simacek, and Kimbrough

Nays: Mueller and Capek

The Chairman declared the motion carried.

**PUBLIC HEARING FOR ZONING REGULATIONS CHANGE**

The public hearing to amend the zoning regulations was opened at 10:40 a.m. No one appeared to testify for or against the changes; the hearing was closed at 10:52 a.m.

After discussion, Mueller moved and Capek seconded the motion to place wind farms as a special use permit. Upon roll call, the vote was as follows:

Ayes: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

**ADJOURMENT**

Agenda item “Kempf Subdivision” was held until the January 5<sup>th</sup> Special Board meeting. As there were no other items to come before the Board, Cerny moved and Capek seconded the motion to adjourn until 9:00 a.m., January 5, 2009. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman