

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., January 5, 2009, 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 10:00 a.m.

KEMPF SUBDIVISION

Planning & Zoning Administrator, Geraldine Daniels submitted a plat for the Kempf Subdivision, located in the NE ¼, Section 7-5-3, Hamilton Township.

Kimbrough moved and Galusha seconded the motion to approve the plat for the Kempf Subdivision as follows: commencing at the NE corner of said NE ¼ NE ¼; thence S00°46'09"W (assumed bearing) on the east line of said NE ¼ NE ¼, 65.00 feet to the point of beginning, said point being on the southerly R.O.W. line of State Hwy. #74; thence continuing S00°46'09"W on said east line, 351.10 feet; thence N89°52'33"W parallel with the north line of said NE ¼ NE ¼, 306.67 feet; thence S89°00'00"W, 116.00 feet; thence N44°33'17"W, 61.00 feet; thence N00°46'09"E parallel with the east line of said NE ¼ NE ¼, 30.00 feet; thence N89°52'33"W parallel with the north line of said NE ¼ NE ¼, 250.00 feet; thence N00°46'09"E parallel with the east line of said NE ¼ NE ¼, 50.00 feet; thence N89°52'33"W parallel with the North line of said NE ¼ NE ¼, 142.00 feet; thence N00°46'09"E parallel with the east line of said NE ¼ NE ¼, 250.00 feet of the southerly R.O.W. line of State Hwy. #74; thence S89°52'33"E on said R.O.W. line, 382.40 feet; thence S00°46'09"W on said R.O.W. line, 20.00 feet; thence S89°52'33"E on said R.O.W. line 475.60 feet to the point of beginning, containing 6.27 acres more or less. Additional certification of lots 1 and 2 on file in the County Clerk's office.

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.

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

The Chairman declared the motion carried and requested that the County Attorney and Assistant Highway Superintendent remain. Closed session began at 9:03 a.m.

RETURN TO REGULAR SESSION

Mueller moved and Galusha seconded the motion to return to open session at 9:45 a.m. 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.

ROAD DEPARTMENT PERSONNEL

After discussion with Road Dept. personnel, Capek moved and Simacek seconded the motion to uphold the reinstatement of Joe Tucker to his position with the Road Department subject to normal evaluations. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

As there was no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:00 a.m., January 13, 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.

Attest

Chairman

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 13, 2009, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Cerny, Kimbrough, Simacek, Mueller, Capek, Galusha, and Yates. 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 reorganization meeting adjourned at 9:23 a.m.

ELECTION OF CHAIRMAN

The Deputy County Clerk, acting 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 2009. Simacek nominated Steve Yates and requested that the nominations cease. Mueller seconded the nomination.

Upon roll call, the vote was as follows:

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

The temporary Chairman declared Steve Yates to be the Board Chairman for the year 2009 and Yates assumed the chair.

ELECTION OF VICE-CHAIRMAN

Chairman Yates asked for nominations for Vice-Chairman. Cerny nominated Ray Capek and requested the nominations cease. Mueller seconded the nomination. Upon roll call, the vote was as follows:

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

The Chairman declared that Ray Capek would be Vice-Chairman of the Board for 2009.

NAMING OFFICIAL BANK DEPOSITORIES

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

RESOLUTION 2009-01

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 hereby designated as bank depositories and the Fillmore County Treasurer is hereby authorized to deposit funds of the County that may come into her possession into these said depositories.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

AUTHORIZED INVESTMENTS

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

RESOLUTION 2009-02

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

DEPOSIT OF SURPLUS FUNDS

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

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

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

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

First National Bank of Exeter	\$ 3,116,546.27
Farmers State Bank of Fairmont	\$ 799,955.87
Geneva State Bank of Geneva, Shickley, & Grafton	\$ 15,433,020.00
York State Bank & Trust Company of Geneva & York	\$ 15,047,897.61
Cornerstone Bank of York and Geneva	\$ 60,273,869.00
Farmers and Merchants Bank of Milligan	\$ 3,525,897.13

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

NOW THEREFORE, Be it Resolved, that the County Treasurer of Fillmore County be and hereby is, authorized to deposit in the aforesaid banks in Fillmore County during 2009, County funds in her possession in a sum equal to but not in excess of the said capital of said banks, provided that said depository bank or banks shall secure said deposits by pledges of the assets of said bank as provided in Section 77-2318, Revised Statutes of Nebraska, but shall not at any one time have in said bank County funds in excess of 90% of the bonds deposited by said bank as security plus the \$100,000.00 covered and protected by the Federal Deposit Insurance Corporation. Bonds shall be required of all banks and capital stock financial institutions for such excess deposit unless security is given in accordance with Section 77-2318.01, Revised Statutes of Nebraska.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

Simacek moved and Mueller seconded the motion to appoint the County Clerk, the County Treasurer, and Supervisor Yates to a committee to give temporary approval for securities deposited by banks for collateral on deposits of County funds, with Cerny to sign if Yates is unavailable. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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

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

The Chairman declared the motion carried.

Cerny moved and Simacek seconded the motion requiring all officials, elected or appointed, to notify the Board of Supervisors when purchasing any equipment regardless of price, all supplies costing \$750.00 or more, all lease agreements, maintenance contracts, and equipment rental agreements, even though the item is included in the budget. Upon roll call, the vote was as follows:

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

Kimbrough moved and Cerny seconded the motion to declare The Nebraska Signal the legal newspaper for Fillmore County. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Cerny moved and Galusha seconded the motion to require the County Highway Superintendent to make a detailed annual report of all operations in regard to road, bridge, and gravel work, and that an accounting of all property bought and sold shall be shown in the annual inventory. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Mueller moved and Simacek seconded the motion to appoint the County Attorney, Jill Cunningham; County Sheriff, William Burgess; County Clerk, Amy Nelson; County Coroner, P. R. Farmer; County Supervisor Capek, and Fillmore County Hospital Chief of Staff, Dr. Hollis through March and then Dr. Verhage to the Fillmore County Public Health Board for a one year term beginning January 1, 2009 and ending December 31, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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

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

The Chairman declared the motion carried.

Mueller moved and Capek seconded the motion to appoint Dennis Kimbrough as the ex-officio representative of the Fillmore County Board at meetings of the Fillmore County Development Corporation for 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

As there were no other items remaining on the agenda for the reorganization meeting, Simacek moved and Mueller seconded the motion to adjourn the reorganization portion of the meeting at 9:23 a.m. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, Simacek
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 9:24 a.m., January 13, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present

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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 11:30 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes for the December 23, 2008 and January 5, 2009 Board meeting as presented.

FEE REPORTS

Cerny moved and Kimbrough seconded the motion to approve the following fee reports for the month of December 2008, the Fillmore County Rural Transit Service, and Fillmore County Treasurer's Semi-Annual report:

County Clerk: \$13,679.25 (State \$9,182.29 & County \$4,496.96)
Clerk of District Court: \$680.52
Sheriff: \$2,852.93

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.

DRIVEWAY PERMITS

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

Rick Walters – move existing driveway on the west side of the NW ¼, Section 19-6-3, Stanton Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

Simacek moved and Cerny seconded the motion to approve the following applications to clean silt from the road ditch:

Carol Bettger – clean silt from the road ditch on the east side of the NE ¼, Section 21-8-2, Fairmont 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

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

Patrick O'Brien – to bury electrical line between the SE ¼, Section 11 and the SW ¼, Section 12-6-4, Momence 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, Cerny, Mueller, Galusha, and Capek
Nays: None

The Chairman declared the motion carried.

ONE & SIX YEAR PLAN

After discussion, Galusha moved and Kimbrough seconded the motion to publish the one & six year plan for the Road’s Department hearing to be held on February 10th. 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.

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):

<u>Bidder</u>	<u>Alternate #1 Price</u>	<u>Alternate #2 Price</u>
Simmons Construction, North Platte	\$122,177.50	\$108,450.35
M. E. Collins, Wahoo	\$104,752.50	No Bid
TCW Construction, Lincoln	\$106,741.40	\$96,185.00
Wilke Construction, Kearney	\$124,784.26	\$102,749.26
VanKirk Brothers, Sutton	\$110,070.04	\$108,709.12

CONCRETE BOX LETTING

After review of all bids by Larry Lewis, his recommendation was to accept the bid from M. E. Collins.

After discussion, Cerny moved and Mueller seconded the motion to award the concrete box letting to M. E. Collins of Wahoo for \$104,752.50. 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.

WITHDRAWING SECURITIES

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

RESOLUTION 2009-4

RESOLVED, that the Farmers State Bank, Milligan, Nebraska, be allowed to withdraw the following security held by The Kansas Bankers Surety Company to-wit:

DG1778 NE008 in the amount of \$100,000.00
DG1778 NE006 in the amount of \$100,00.00

Upon roll call, the vote as follows:

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

GENERAL FUND

Howard Ach	Rent/Exp	3,276.93
Lanny Ackerman	Mtgs/Mile	65.10
All Around Lawn Care	Ser	60.00
Ameritas Life Insurance Corp	Ret	2,817.80
Jon Anderson	Uni	55.59
Auto Value Parts Stores	Sup	10.49
Axis Capital Inc	Lease	243.32
Black Hills Energy	Uti	1,560.70
Blue Cross/Blue Shield	Insur	15,411.99
Bottorf & Maser Attorneys	Ser	1,297.12
William L Burgess	Uni	35.00
C & C Extinguisher Ser	Rep	15.35
Daryl L Callenius	Uni	35.00
Century Lumber Ctr	Sup	42.74
City of Geneva	Uti	121.20
Constellation Energy	Uti	238.00
Contryman Associates PC	Ser	3,000.00
Geraldine Daniels	Sup	25.66
Dixon County Sheriff’s Office	Ser	17.30

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Douglas County Sheriff	Ser	22.38
Duckwall – Alco Stores Inc	Sup	75.40
Eakes Office Plus	Sup	785.14
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs/Mile	73.08
Fillmore County Clerk	Misc	15.50
Fillmore County Court	Misc	1,279.12
Fillmore County Treasurer	Misc	253,397.97
First Concord Benefits Group Inc	Fees	180.00
Gambles	Sup	90.69
Geneva State Bank	Fees	15.00
Geneva State Bank	SS	2,928.76
Geneva Super Foods	Sup	498.60
Geneva Volunteer Fire Dept	Sup	105.00
Hanson, Hroch & Kuntz	Ser	315.00
Matt Harre	Mtgs/Mile	101.16
Deborah Hoarty	Mil	81.90
Hometown Leasing	Lease	704.65
Howard Johnson	Mil	122.85
Steve Julich	Uni	35.00
Knoche Appraisal & Consulting LLC	Ser	1,278.15
Stephen J Kraviec	Ser	1,695.07
Lancaster County Court	Misc	5.50
Tom Manning	Mtgs/Mil	51.06
Annette Marget	Mile	100.62
Marriott Hotels & Resorts	Lodg	209.98
Maximus Inc	Ser	1,333.36
Robert McFarland	Uni	35.00
Mid-States Organized Crime Inf	Membership	100.00
Midwest Radar & Equip Inc	Sup	180.00
Mid-American Research Chemical	Sup	575.30
MIPS Inc	Ser	2,435.74
Mark Morgan	Mtgs/Mile	58.08
Moses Motor Company	Sup	130.63
Morley Most	Mtgs/Mile	65.10
Marvin Nadherny	Mtgs/Mile	87.12
Nebraska Assoc of Co Officials	Dues/Misc	1,227.65
NE Sheriffs Assoc	Membership	120.00
NE Signal	Adv/Sup	1,711.00
Nebraskaland Glass	Sup	40.00
Neopost Inc	Rental	445.58
Merle Noel	Mtgs/Mile	42.87
Reg Noel	Mtgs/Mile	21.44
Vicki Ozenbaugh	Mile	98.28
Platte Valley Comm of Hastings	Sup/Ser	690.00
Plains Power & Equip. Inc	Rep	128.43
Protex Central Inc	Ser	208.00
R & D Parts LLC	Sup	32.82
Ralphs Geneva Tire & Serv Ctr	Rep/Sup	818.83
Region V Services	Misc	2,952.25
Steven G Roemmich	Uni	35.00
Seiler & Parker PC	Ser	401.33
Shell Fleet Plus	Fuel	1,613.47
ST of NE; AS Central Fin/Interagency	Ser	448.00
ST of NE; Das/Surplus Property	Equip	65.00
ST of NE; Dept of Labor	Ser	100.00
ST of NE; Public Health Env Lab	Ser	234.00
Chad Summers	Uni	35.00
UN-L IS-Telecommunications	Uti	8.91
Brandy VanDeWalle	Mile/Fuel	124.39
Watchguard Video	Equip	5,055.00
Weaver Pharmacy	Sup	75.98
Windstream	Uti	229.87
Payroll	Salaries	28,919.94

ROAD FUND:

Action Auto Supply	Parts-Rep	\$ 35.01
Alltel	Uti	110.93
Ameritas Life Insurance Corp	Ret	1,605.59
Auto Value Parts Stores	Parts-Rep-Sup	841.79
B'S Enterprises	Sup	1,040.00
Black Hills Energy	Uti	934.51
Blue Cross & Blue Shield	Insur	9,807.63
Century Lumber Company	Sup	26.93
City of Geneva	Sup	1,024.86
City of Geneva	Uti	57.00
Corner Stop	Fuel	1,216.66

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Dorchester Farmers coop	Fuel	4,107.08
Farm Plan	Parts	589.67
Fillmore County Shop	Sup	34.96
Filter Care of Nebraska	Sup	17.15
Friesen Chevrolet Inc	Rep	762.47
Gambles	Sup	37.02
Geneva Implement	Parts	29.83
Geneva State Bank	SS	1,752.87
Geneva Welding	Parts-Sup	636.03
Grafton Oil	Fuel	2,747.98
Heath Machine Shop	Ser	95.00
Hilty's of Geneva	Sup	12.18
Kelch Plbg & Htg & Ref	Ser	86.77
Kerry's Auto Repair & Ser	Tires	170.00
Lichti Oil	Fuel	2,283.80
M & B Business Machine Serv	Rep	85.95
Marlborough	Sup	78.30
NE Assoc County Officials	Dues	135.00
NE Department of Revenue	Sales Tax	263.44
NE Iowa Industrial Fasteners	Sup	267.20
NE Signal	Adv	114.34
Nichols Construction	Gravel	14,638.13
Nicks Farm Store	Rep	9.95
Overland Sand & Gravel	Gravel	2,988.96
Perennial Public Power	Uti	108.69
Power Plan	Parts	319.38
R & D Parts	Parts	70.92
Ralphs Geneva Tire & Service	Tires-Rep	911.78
Shell Fleet Plus	Fuel	840.63
Superior Deshler Inc	Fuel	26.87
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	46.42
Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.73
Village of Ohioa	Uti	20.00
Payroll	Salaries	17,594.23

SENIOR SERVICES FUND:

Ameritas Life Insurance Corp	Ret	\$ 133.16
Blue Cross & Blue Shield	Insur	934.06
Dawgs Smokehouse Café	HDM	260.00
Eakes Office Plus	Sup	23.27
Exeter Care Center	HDM	325.00
Exeter Senior Center	Misc	185.15
Fairmont Aging Service	Misc	801.79
Geneva State Bank	Misc	165.65
Geneva Senior Center	Misc	3,097.63
Susan Kerl	Ser	132.00
Jeannine Krejci	Ser	60.00
Elizabeth Mattox Manning	Ser	96.00
Brenda Motis	Mile	50.31
Rons Tavern	HDM	135.00
Shell Fleet Plus	Fuel	18.82
Rhonda Stokebrand	Mile	161.46
Payroll	Salaries	1,822.24

HOSPITAL OPERATING FUND:

Fillmore County Hospital	Taxes – December	\$14,125.71
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NOXIOUS WEED FUND:

Alltel	Uti	\$ 38.13
Ameritas Life Insurance Corp	Ret	79.55
Blue Cross & Blue Shield	Insur	467.03
Gaylord Craddock	Mile	59.67
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	90.16
Frances Heinrichs	Mile	59.67
Ronald Isley	Mile	45.63
Tim Schepers	Mile	18.72
Payroll	Salaries	935.38

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

TOWNSHIP BONDS

Kimbrough moved and Cerny seconded the motion to approve the following township bonds: Franklin township – Galen Niederklein, Morley Most, and Galen Dunse; Geneva township – James Oberlander, Larry Biester, and Joe Hoarty; Chelsea township – Larry Nun, 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; Glengary township – Henry Rohla Jr., Marvin Nadherny, and Roger Pribyl; Bennett township – Don A. Griess, Richard Hoarty, and Robert Fessler; and West Blue township – Elden Luethke, John Lowe and Bill Softley. 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.

NOXIOUS WEED

Merlin Ehmen informed the Board that he would be retiring effective February 27, 2009.

After discussion, Cerny moved and Kimbrough seconded the motion to accept Merlin Ehmen’s resignation effective February 27, 2009. The Noxious Weed Board will meet with the Board on February 10th for further discussion. 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 “Floodplain Permits and Zoning hours” were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:00 a.m. on January 27, 2009. 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 27, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Kimbrough, Simacek, Mueller, Galusha, and Capek. Cerny was absent. 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 1:47 p.m.

REORGANIZATION MINUTES CORRECTED

Kimbrough moved and Mueller seconded the motion that the minutes of the Reorganization Meeting of January 13, be amended under "Road Reports" to include: "that the County Highway Superintendent shall inform the appropriate Supervisor of any work being done other than routine road maintenance in their district." Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the January 13th Regular Board meeting as presented.

OCCUPY COUNTY RIGHT-OF-WAY

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

Charles Grothe Trust – to bury electrical line between the SE ¼ of section 19 and the NE ¼ of section 30-7-2, 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.

Pat O'Brien – to bury electrical line in the NE ¼ of section 11-6-4, Momence 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: Kimbrough, Mueller, Galusha, Capek, Yates, and Simacek
Nays: None

The Chairman declared the motion carried.

NATURAL DRAINAGE IN FAIRMONT TOWNSHIP

Richard Horne was present for the discussion on natural drainage in the west ½ of Section 15-8-2, Fairmont Township.

After discussion, Mueller moved and Simacek seconded the motion to leave the natural drainage in the west ½ of Section 15-8-2 as is and have the County Attorney send letters to the landowners. At this time there is no need to clean out the ditches. Upon roll call, the vote was as follows;

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

The Chairman declared the motion carried.

PROJECT #C003003030

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

RESOLUTION #2009- 5

The County Board of Supervisors of Fillmore County, having met on the 27th day of January, 2009, hereby authorize the County Board Chairperson and the County Highway Superintendent to sign on behalf of the County, a Certification of Compliance for Structure No. C003003030.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

CERTIFICATION OF COMPLIANCE

Mueller moved and Capek seconded the motion to approve the Certification of Compliance for Project #C003003030 located between Section 9 & 16, Glengary Township. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

FLOODPLAIN PERMIT

Richard Kleinschmidt and Gary Kimbrough were present for the discussion.

After discussion, Galusha moved and Kimbrough seconded the motion to approve the floodplain permit between the SE ¼, Section 7 and the NE ¼, Section 18-7-3, Geneva Township. Will replace a small bridge with 3 – 48" arch steel culverts. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

MANAGEMENT PROGRAM

After discussion, Capek moved and Mueller seconded the motion to approve the Road Dept. to purchase the Management program from MIPS for \$1,278.72 a year. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

COMPUTERS

After discussion, Galusha moved and Mueller seconded the motion to approve the purchase of two new computers for the Road's Dept. in the amount of \$2,102.96. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

2009 WORK PLAN

Galusha moved and Kimbrough seconded the motion to approve the 2009 work plan for the Road's Dept. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

PLANNING & ZONING HOURS

Planning Commission Board approved the Planning & Zoning Administration to change the hours the office was open to Monday through Thursday from 8:30 a.m. to 12:30 p.m. After discussion, the Board approved this change as well.

INTERLOCAL AGREEMENT FOR PUBLIC SAFETY

After discussion, Kimbrough moved and Mueller 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. Upon roll call, the vote was as follows:

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

Nays: None

Abstaining: Capek

The Chairman declared the motion carried.

WINTER SUBDIVISION

Planning & Zoning Administrator, Geraldine Daniels submitted a plat for the Winter Subdivision, located in the NE ¼ of the SE ¼, Section 7-7-4, Bennett Township.

Galusha moved and Simacek seconded the motion to approve the Winter Subdivision plat as follows: a tract of land located in the NE ¼ of the SE ¼, Section 7, Township 7 North, Range 4 West of the 6th P.M., Fillmore County, Nebraska, and being more particularly described as follows: beginning at the NE corner of the SE ¼ (5/8 inch rebar, found); thence on an assumed bearing of N89°37'16" west, on the north line said SE ¼, a distance of 784.50 feet to a 5/8 inch, capped rebar (set); thence S00°07'27" west, a distance of 277.63 feet to a 5/8 inch, capped rebar (set); thence S89°37'16" east, a distance of 784.50 feet to a section line; thence N00°07'27" east, on section line, a distance of 277.63 feet to the point of beginning. Containing a calculated area of 5.00 acres, more or less.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

MILLER SUBDIVISION

Planning & Zoning Administrator, Geraldine Daniels submitted a plat for the Miller Subdivision, located in the NE ¼ of Section 9-5-4, Bryant Township.

Kimbrough moved and Capek seconded the motion to approve the Miller Subdivision plat as follows: a tract of land comprising a part of the NE ¼ of Section 9, Township 5 North, Range 4 West of the 6th 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°59'21"E; thence S00°16'44"W, and on the east line of said NE ¼, 60.00 feet to a point on the south R.O.W. line of Highway 74; thence S89°21'24"W, and on the South R.O.W. line of said Highway 74, 278.49 feet to the point of beginning, said point being a ¾" rebar w/cap; thence S00°52'27"W, 365.09 feet to a ¾" rebar w/cap; thence S68°44'33"W, 102.45 feet to a ¾" rebar w/cap; thence S55°03'47"W, 180.93 feet to a ¾" rebar w/cap; thence N69°55'46"W, 110.26 feet to a ¾" rebar w/cap; thence N74°58'47"W, 94.68 feet to a ¾" rebar w/cap; thence N01°04'57"E, 438.47 feet to a ¾" rebar w/cap on the south R.O.W. line of said Highway 74; thence N88°48'12"E, and on the south R.O.W. line of said Highway 74, 13.97 feet to a ¾" rebar w/cap; thence N89°21'24"E, and on the south R.O.W. line of said Highway 74, 422.16 feet to the point of beginning and containing 4/46 acres more or less.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ELEVATOR REPAIR

After discussion, Capek moved and Mueller seconded the motion to authorize the Chairman to sign for repairs needed on the elevator. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, Kimbrough, Mueller, and Galusha
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	413.63
Ameritas Life Insurance	Ins	2,779.88
Aramark Uniform Services Inhc	Ser	656.83
Joseph N Bixby, Attorney	Ser	817.00
Blue Cross/Blue Shield	Ins	15,411.99
Bottorf & Maser, Attorneys	Ser	1,149.24
Marilyn Christianity	Ser	25.00
City of Geneva	Rent	484.00
Erdkamp Motors	Ser	36.00
Executive Copier Services	Misc	18.81
F & S Supply Co Inc	Sup	625.22
First Concord Group Inc	Misc	4,196.93
The Garbage Co Inc	Uti	152.86
Geneva State Bank	Fees	25.00
Geneva State Bank	SS	2,908.66
Geneva TV & Appliance Inc	Sup	34.95
Sue Imig	Ser	45.00
Germer, Murray & Johnson, Attorneys	Ser	859.26
Norma Gregory	Ser	25.00
Barbara (Erdkamp) Hein	Ser	96.00

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JEO Consulting Group Inc	Ser	910.00
Dennis Kahl	Mile	65.52
Kalkwarf & Smith Law Offices	Ser	2,687.43
Galen Kuska	Mile	74.88
Lancaster County Court	Misc	9.50
Lafayette Life Insurance Co	Ins	161.35
Lancaster County Sheriff	Ser	22.54
Lease Consultants Corporation	Lease	249.00
Lincoln Area Agency on Aging	Misc	9,468.00
Ann H McDonald	Ser	18.00
Lincoln County Sheriff Office	Ser	13.70
Microfilm Imaging Systems Inc	Lease	100.00
MIPS	Sup	56.25
Rich Mueller/Thomas Biegert	Rent	650.00
National Sheriffs Assoc	Dues	50.00
Nebraska Public Power District	Uti	1,010.73
Nemaha County Clerk	Post	4.80
Neopost Inc	Misc	260.00
Galen Niederklein	Mile	77.22
Notary Public Underwriters of NE	Misc	175.00
Elaine Pavlish	Ser	84.00
Vernon Pearson	Ser	48.00
Region V Systems	Ser	550.00
Secretary of State	Sup	100.00
Ron Seymour, Ext Educ	Mile	58.50
Sioux Sales Company	Sup	49.70
Lee Bauer Smith	Ser	108.00
ST of NE; AS Central Finance	Ser	56.64
ST of NE; Dept of Mtr Vehicles	Misc	4.00
ST of NE; Public Health Env Lab	Misc	78.00
Deanna Strothkamp	Ser	72.00
Luetta Strothkamp	Ser	96.00
Mary C Tesar	Ser	24.00
Bea Vavra	Ser	84.00
Carol Vejraska	Ser	23.08
MaryLu Vossler	Mile	30.42
Daniel L Werner, Attorney	Ser	583.92
Williams Exterminating Inc	Ser	110.00
Windstream	Uti	1,135.30
York Boot N Repair	Rep	40.00
Payroll	Salaries	30,512.17

ROAD/BRIDGE FUND:

Ameritas Life Insurance jCorp	Ret	1,605.47
Baum Hydraulics	Sup	64.86
Blue Cross/Blue Shield	Ins	9,807.63
Farm Plan	Pts	506.28
The Garbage Company	Uti	73.60
Geneva State Bank	SS	1,764.15
Dale Goeking	Ser	96.00
Ralph Gould	Ser	18.00
Grafton Mini Mart	Fuel	14.41
Ronald Isley	Ser	103.86
Donovan Jirkovsky	Ser	25.00
Lafayette Life Ins Company	Ins	87.99
Lawson Products Inc	Sup	235.07
Lichti Oil	Fuel	2,862.23
NMC Exchange LLC	Sup/Pts	2,072.27
NE Assn County Eng, Supt	Dues	25.00
Nebraska Public Power	Uti	288.93
Perennial Public Power	Uti	111.51
Speece Lewis Engineers	Ser	227.50
US Postal Services	Ser/Sup	243.60
Windstream	Uti	135.05
Donald D Wittmack	Ser	12.00
Payroll	Salaries	17,943.53

INSTITUTIONS

ST of NE; Health & Human Service	Ser	93.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp	Ret	133.16
Blue Cross/Blue Shield	Ins	934.06
Judy Dondlinger	Ser	96.00
Geneva State Bank	SS	167.07
Lafayette Life Insurance co	Ins	9.00

JoAnn Vavra
Payroll

Ser
Salaries

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72.00
2,098.18

NOXIOUS WEED FUND:

Ameritas Life Insurance	Ret	86.64
Blue Cross/Blue Shield	Ins	467.03
Geneva State Bank	SS	134.53
Lafayette Life Insurance Co	Ins	1.36
Payroll	Salaries	935.38

E911 – COMMUNICATIONS CENTER

Nebraska Public Power District	Uti	150.26
Wahltek Inc	Sup	90.00
Windstream	Uti	987.27

CLAIMS APPROVED

Simacek moved and Kimbrough seconded the motion to approve the claims as presented. 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 item “Floodplain permit for project located in S21-22, Stanton Township” was held until a future Board meeting. As there were no other items to come before the Board, Mueller moved and Simacek seconded the motion to adjourn until 9:10 a.m., February 10, 2009. 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 9:10 a.m., February 10, 2009, 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 10:55 a.m. The Deputy County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:12 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the January 27, 2009 Board meeting as presented.

FEE REPORTS

Cerny moved and Simacek seconded the motion to approve the following fee reports for the month of January 2009:

County Clerk: \$9,353.92 (State \$5,768.37 & County \$3,585.05)
Clerk of District Court: \$649.40
Sheriff: \$1,521.34

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.

DRIVEWAY PERMITS

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

Edward Griffiths – widen existing driveway to 40' on the south side of the SW ¼, Section 14-6-2, Chelsea Township;
Francis Keenan – move existing driveway and widen to 40' on the west side of the NW ¼, Section 35-8-4, Grafton 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.

CLEAN SILT PERMITS

Simacek moved and Capek seconded the motion to approve the following applications to clean silt from the road ditch:

Arnold Heinrichs – clean silt from the road ditch on the east side of the NE ¼, Section 34-5-3, Hamilton Township.

Lowell and James Stephenson – clean silt from the road ditch on the east side of the SE ¼, Section 27-8-2, Fairmont 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.

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.

FLOODPLAIN PERMIT

After discussion, Kimbrough moved and Cerny seconded the motion to approve the floodplain permit between the SE ¼, Section 21 and the SW ¼, Section 22-6-3, Stanton Township. Will replace small bridge with three 60" arch steel culverts. 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.

GENEVA TOWNSHIP ROADS

Larry Biester and James Oberlander, Geneva Township Board Members, met with the Board requesting assistance in maintaining township roads. After discussion, Board needs more information and will discuss at the February 24th Board meeting.

HEARING ON BRIDGE PROJECT

After discussion regarding procedures, Kimbrough moved and Mueller seconded the motion to schedule a public hearing for the bridge project between Sections 32 and 33-7-3, Geneva Township to be held on February 24, 2009 at 9:55 a.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.

PUBLIC HEARING FOR 1 TO 6 YEAR PLAN

Mueller moved and Simacek seconded the motion to close the hearing on the One and Six Year Plan at 10:30 a.m. No one appeared to testify either for or against the proposal. 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.

VETERAN'S SERVICE OFFICER REPORTS

Eric Williams, Veteran's Service Officer, reported to the Board of a newly Combat Veterans group and the veteran's mileage reimbursement. He also requested to place the traveling Memorial Wall on the Courthouse lawn for the dates of July 9, 10, 11, 12 and 13; 2009, which was approved.

PUBLIC HEALTH SOLUTIONS

Eric Williams, President of Public Health Solutions District Board, (in absence of Jane Ford Wittoff) presented to the Board the annual report and answered questions.

KEYSTONE PIPELINE

Tracy Calhoun, Permit Specialist, met with the Board to field questions regarding the pipeline that will be going through Fairmont, Exeter and Liberty townships. Construction is slated to start in the year of 2011 and ending in the year of 2012. There will be one pump station located in Fillmore County. There is a public meeting to discuss this pipeline at the York Community Center, York, Nebraska, on Monday, February 23, 2009.

REPLACING PLEDGE SECURITY

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

RESOLUTION 2009-06

RESOLVED, that the Farmers & Merchants Bank of Milligan, Nebraska, be allowed to substitute the following security held by FHL Bank Topeka, Irrevocable Letter of Credit:

#17283 in the amount of \$125,000,000.00 expiring January 29, 2010

and that the following securities be released with Kansas Bankers Surety Company:

Bond No DG 1736 NE 007 in the amount of \$100,000.00

Bond No DG 1736 NE 010 in the amount of \$200,000.00

Bond No DG 1736 NE 013 in the amount of \$150,000.00

Bond No DG 1736 NE 019 in the amount of \$100,000.00

Upon roll call, the vote was as follows:

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

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:

Howard Ach	Rent, Exp	3,301.04
All Around Lawn Care	Ser	90.00
Ameritas Life Insurance Corp	Ret	2,795.79
Jon Anderson	Uni	35.00
Axis Capital Inc	Lease	243.32
Black Hills Energy	Uti	2,322.27
William Burgess	Uni	35.00
Daryl L Callenius	Uni	35.00
Randall G Capek	Mile	15.40
Century Lumber Center	Sup	20.47
City of Geneva	Uti	128.20
Constellation Energy	Uti	367.71
Jill Cunningham	Meals	7.49
Eakes Office Plus	Sup	814.85
Earls Window Service	Ser	5.00
Erdkamp Motors	Rep	112.85
Fillmore County Clerk of District Court	Misc	236.00
Fillmore County Hospital	Ser	602.40
Fillmore County Treasurer	Misc	48,488.99
First Concord Benefits Group	Ser, Claims	3,411.04
Geneva State Bank	SS	2,909.44
Geneva TV & Appliance Inc	Sup/Ser	318.50
Hall County Sheriff	Ser	5.50
Hometown Leasing	Lease	704.65
Steve Julich	Uni	35.00
Kerry's Auto Repair & Service	Ser, Sup	172.11
Richard Kleinschmidt	Mile	8.80
Knoche Appraisal & Consulting LLC	Ser, Mile	1,204.00
Stephen J Kraviec	Ser	1,711.52
Lawson Products Inc	Sup	39.00
Robert McFarland	Uni	35.00
Mid-American Research Chemical	Sup	270.87
Midwest Radar & Equipment Inc	Sup	40.00
MIPS Inc	Ser	2,802.52
NE Assoc County Clerks	Dues	75.00
NE Assoc of County Officials	Reg	400.00
NE Signal	Sup, Ad, Pro	1,436.47
Platte Valley Communications	Sup	92.75
Ralphs Geneva Tire & Service Center	Rep, Sup	560.96
Steven G Roemmich	Uni	35.00
Secretary of State	Sup	80.00
Seiler & Parker PC	Ser	510.00
Ron Seymour	Mile	50.60
Shell Fleet Plus	Fuel	1,414.67
ST of NE; AS Central Fin/Interagency	Ser	448.00
Chad Summers	Uni	35.00
Thayer County Treasurer	Subs	1,078.52
UN-L IS-Telecommunications	Uti	10.61
University of NE; UNL IS/Computer Sales	Sup	142.00
USDA, APHIS	Ser	1,835.00
Carroll L Verhage MD	Ser	191.00
Daniel L Werner	Ser	1,473.62
Eric Williams	Mile, Post, Lodging	304.11
Windstream	Uti	228.45
Payroll	Salaries	30,512.17

ROAD/BRIDGE FUND:

Alltel	Uti	86.84
Ameritas Life Insurance Corp	Ret	1,606.41
Andrews Electric Co Inc	Rep	292.54
Auto Value Parts Stores	Sup	2,867.94
Black Hills Energy	Uti	1,393.79
Century Lumber Center	Sup	261.07
City of Geneva	Uti	57.00
Dell Marketing LP	Equip	1,048.31
Exeter Lumber Company	Sup	33.40
Filter Care of Nebraska	Sup	87.70
Friesen Chevrolet Inc	Ser, Sup	2,183.50
Geneva Implement	Pts	26.45
Geneva State Bank	SS	1,745.85
Geneva Welding & Supply Inc	Ser, Sup	909.35
Hilty's of Geneva	Sup	38.57
Jill's Sweet Shop	Misc	19.26
Lichti Oil	Fuel	2,442.65
Michl Service	Fuel	118.00
Mid-American Research Chemical	Sup	41.47
Midwest Service & Sales	Pts	760.00
NE Iowa Industrial Fasteners	Sup	100.65

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NE Signal	Adv	18.01
Nicks Farm Store	Rep/Sup	189.67
Perennial Public Power	Uti	93.09
Power Plan	Pts	2,375.35
R & D Parts	Pts	7.43
Ralphs Geneva Tire & Service	Sup/Rep	229.25
Shell Fleet Plus	Fuel	224.56
Village of Grafton	Uti	21.07
Payroll	Salaries	17,943.53
<u>JUVENILE DIVERSION FUND:</u>		
Fillmore County Clerk	Copies	5.00
<u>ECONOMIC DEVELOPMENT FUND:</u>		
Hanna Keelan Associates PC	Ser	3,600.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp	Ret	133.16
Dawg's Smokehouse	HDM	299.00
Judy Dondlinger	Ser	144.00
Eakes Office Plus	Sup	68.98
Janet Bartak	Mile	77.00
Exeter Care Center	HDM	180.00
Exeter Senior Center	USDA	293.32
Fairmont Senior Center	USDA	1,819.85
Fillmore County Transit	Mile	60.00
Fillmore County Treasurer	Post	10.00
Geneva State Bank	SS	172.76
Geneva Senior Center	Misc	3,252.50
Susan Kerl	Ser	156.00
Jeannine Krejci	Ser	132.00
Elizabeth Mattox Manning	Ser	144.00
Brenda Motis	Mile	51.15
NE Assoc of Senior Centers	Dues	20.00
Ron's Tavern	HDM	160.00
Shell Fleet Plus	Fuel	4.84
Payroll	Salaries	2,098.18
<u>INHERITANCE TAX:</u>		
Fillmore County Treasurer	Transfer	10,000.00
<u>HOSPITAL OPERATING</u>		
Fillmore County Hospital	Taxes	2,797.74
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	37.91
Ameritas Life Insurance	Ret	79.55
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	90.16
Payroll	Salaries	935.38

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

NOXIOUS WEED SUPERINTENDENT

Brent Meyer, Ag Inspection Specialist for the Noxious Weed Program, Gaylord Cradduck, Ron Isley and Darlene Vodicka, Noxious Weed Board Members, met with the Board of Supervisors to discuss the hiring of a new Noxious Weed Superintendent. An ad will be placed in the paper with a closing date of March 3, 2009.

ADJOURMENT

As there were no other items to come before the Board, Capek moved and Simacek seconded the motion to adjourn until 9:00 a.m., February 24, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., February 24, 2009, 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. 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 11:59 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the February 10, 2009 Board meeting as presented.

EXTENSION OFFICE UPDATE

Brandy VanDeWalle informed the Board of the activities that are coming up and introduced the new 4-H Assistant Lyndsey Pohlmeier. Lyndsey informed the Board of the 4-H activities that she will be starting in Fillmore County.

CRUSHED ROCK BIDS

Bids for crushed rock were opened at 9:45 a.m. The following bids were received:

Project #1 (800 tons):	<u>Type 1</u>	<u>Type 2</u>
Gana Trucking & Excavating	\$23.20	\$23.70
DPL Enterprises	\$27.94	\$28.04
Westover Rock & Sand, Inc.	\$24.35	\$25.25
Project #2 (500 tons, Stockpile):	<u>Type 1</u>	<u>Type 2</u>
Gana Trucking & Excavating	\$23.20	\$23.70
DPL Enterprises	\$26.40	\$26.50
Westover Rock & Sand, Inc.	\$23.40	\$24.30

CRUSHED ROCK LETTING

After discussion, Kimbrough moved and Galusha seconded the motion to accept all bids with Highway Superintendent to make recommendation at March 10th Board meeting. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PUBLIC HEARING FOR BRIDGE PROJECT GENEVA TOWNSHIP

Opened public hearing for the bridge project between sections 32 & 33, Geneva Township at 9:59 a.m. Highway Superintendent presented information regarding preliminary design for the project.

TOWNSHIP ROADS

Larry Biester and James Oberlander from Geneva Township visited with the Board regarding having the County maintain the township roads.

After discussion, Mueller moved and Cerny seconded the motion to set a rental rate of \$85.00 per hour for motor grader work including operator for Township roads. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRIVEWAY PERMITS

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

- McGowen Farms – widen existing driveway to 40’ on the north side of the NE ¼, Section 15-8-1, Exeter Township;
- Judith Tischer – widen existing driveway to 40’ on the north side of the NW ¼, Section 10-8-4, Grafton Township;
- Scott Reinsch – new 40’ driveway on the east side of the NE ¼, Section 12-6-5, Sheridan Township, Clay County.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

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

McGowen Farms – clean silt along the north side of the NE ¼, Section 15-8-1, Exeter Township;
Ione Schelbitzki – clean silt along the south side of the SE ¼, Section 15-5-2, Belle Prairie 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.

ONE TO SIX YEAR ROAD PLAN

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

RESOLUTION 2009-07

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 provide 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 2009-2010 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.

PUBLIC HEARING FOR PERMISSIVE EXEMPTION

Opened public hearing for permissive exemption at 10:30 a.m. as advertised.

GENEVA TOWNSHIP BRIDGE PROJECT

Cerny moved and Simacek seconded the motion to close the public hearing at 10:35 a.m. as no one appeared to testify for or against this bridge project. 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.

PERMISSIVE EXEMPTION

County Assessor Joan Ackland presented list of applications for permissive exemptions to the Board. Cerny moved and Capek seconded the motion to close the Permissive Exemption hearing at 10:50 a.m. 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.

PERENNIAL PUBLIC POWER

Brandon Lehman with Perennial Public Power discussed with the Board about renting tower space from Fillmore County, both parties will have more information at the March 10th 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:

Alltel	Uti	415.25
Ameritas Life Insurance Corp.	Ret	2,716.92
Aramark Uniform Services, Inc.	Ser	450.74
Bear Graphics, Inc.	Sup	160.78
Blue Cross Blue Shield of Nebraska	Insur	15,411.99
Bottorf & Maser, Atty.	Ser, Mile	747.50
Business World Products	Sup	36.99
Helen Cellar	Spelling Contest	50.00
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Clay County Sheriff's Dept.	Boarding Prisoners	180.00
Crossroads Awards	Sup	92.00
Duckwall – Alco Stores, Inc.	Sup	37.76
Eakes Office Plus	Sup	244.34
Evercom Systems, Inc.	Sup	140.00
Fillmore County Hospital	Ser	75.00
Fillmore County Treasurer	Post	1,400.00
Gamble's	Sup, Equip	362.11
The Garbage Co., Inc.	Ser	152.86
Geneva State Bank	SS	2,826.34
Geneva Super Foods	Sup	864.46
Norma Gregory	Ret	25.00
Hall County Sheriff	Ser	19.06
Holiday Inn	Lodging	355.00
JS Wurm & Associates	Copies	422.45
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Mile	2,697.20
Kerry's Auto Repair & Service	Rep	159.91
Lafayette Life Insurance Co.	Insur	161.35
Lincoln County Court	Copies	3.75
Ann H. McDonald	Ret	18.00
Mel's Automotive	Rep	152.20
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	971.48
Nebraska State Bar Association	Wksh	125.00
Sherri Nun	Spelling Contest	100.00
Platte County Sheriff's Office	Ser	42.84
RepCo Marketing, Inc.	Sup	21.75
Saline County Treasurer	Bailiff	6,344.87
Secretary of State Rules & Regulations	Fees	40.00
Shell Fleet Plus	Fuel	1,523.68
State of Nebraska AS Central Finance	Ser	57.61
State of Nebraska Dept. Correctional Svcs	Boarding Prisoners	644.48
State of Nebraska Public Health Envr.	Ser	311.35
Carol Strothkamp	Spelling Contest	50.00
University of Nebraska – Lincoln	Sup	142.00
University of Nebraska Forest Service	Wksh	80.00
Walter F. Stephens Jr., Inc.	Sup	105.62
Weaver Pharmacy	Sup	62.11
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,165.82
Payroll	Salaries	39,444.81

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,615.29
Blue Cross Blue Shield of Nebraska	Insur	9,807.63
Casey's General Store	Fuel	933.95
Corner Stop	Fuel	28.00
Dorchester Farmers Coop	Fuel, Sup	231.45
Fastenal Company	Sup	187.65
Gamble's	Sup	81.40
The Garbage Company	Ser	73.60
Geneva State Bank	SS	1,758.67
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	117.73
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	4,953.12
Nebraska Public Power	Uti	371.94

NMC Exchange, LLC	Parts, Sup	3,788.74
Roit Repair	Rep	30.28
Speece Lewis Engineers	Fees, Ser	810.95
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	57.77
Windstream	Uti	142.08
Payroll	Salaries	23,930.04

Dave Wythers	Ser, Uti	2,175.00
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Hanna Keelan Associates, P. C.	Ser	3,600.00
Mike VanHoosen	Wksh	80.01

State of Nebraska Health & Human Svcs.	Jan. Patient Care	93.00
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Ameritas Life Insurance Corp.	Ret	133.16
Blue Cross Blue Shield of Nebraska	Insur	934.06
Eakes Office Plus	Sup	69.95
Geneva State Bank	SS	171.34
Lafayette Life Insurance Company	Insur	9.00
Shell Fleet Plus	Fuel	11.53
Rhonda Stokebrand	Mile	52.66
JoAnn Vavra	Ser	96.00
Payroll	Salaries	2,256.15

Ameritas Life Insurance Corp.	Ret	79.55
Geneva State Bank	SS	90.16
Payroll	Salaries	1,178.58

Nebraska Public Power District	Uti	134.58
Wahltek, Inc.	Sup	233.00
Windstream	Uti	987.65

Kimbrough 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.

After discussion, Cerny moved and Mueller seconded the motion to allow the Chairman to sign the deed to transfer lots 1, 2, 3, 4, and 5 block 15 Grandview addition in Geneva. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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

RESOLUTION APPROVING THE ADOPTION OF RULES AND REGULATIONS Title 1, Chapter 1, The Prevention Of Spread Of Communicable Disease, Illness, Or Poisoning and Title 2, Chapter 1, The Prevention Of Public Health Nuisances And Unsanitary Conditions by The Public Health Solutions District Board Of Health

WHEREAS, the Public Health Solutions District Health Department, hereafter “Department” was established pursuant to Neb. Rev. Stat. § 71-1626, *et seq*; and,

WHEREAS, the Nebraska Department of Health and Human Services Regulation and Licensure has provided the original draft regulations referred to herein; and

WHEREAS, the Department is seeking approval from the County Boards within the District, for the adoption of these rules as required by Neb. Rev. Stat. § 71-1631.

February 24, 2009

NOW, THEREFORE, BE IT RESOLVED, by the Fillmore County Board of Supervisors that the attached rules are approved for adoption and enforcement by the Public Health Solutions District Health Department *with* the assistance of the Sheriff and the County Attorney's Office.

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.

LMC ENTERPRISES, INC. SUBDIVISION

Planning & Zoning Administrator, Geraldine Daniels submitted a plat for the LMC Enterprises, Inc. Subdivision, located in the SW ¼ of the NW ¼, Section 19-8-1, Exeter Township.

Mueller moved and Simacek seconded the motion to approve the LMC Enterprises, Inc. Subdivision plat as follows: a tract of land in the SW ¼ of the NW ¼ of Section 19, Township 8 North, Range 1 West of the 6th P.M., more fully described as follows: commencing at the SW corner of the NW ¼ of Section 19; thence north 0'00'00" east (assumed bearing), on section line, a distance of 665.00 feet to the point of beginning; thence north 0'00'00" east a distance of 350.00 feet; thence north 89'23'14" east a distance of 374.02 feet to a 1/2 in pipe; thence south 0'00'00" west a distance of 354.00 feet to a 1/2 inch pipe; thence south 90'00'00" west a distance of 374.00 feet to the point of beginning. Containing a calculated area of 3.02 acres, more or less, of which 0.26 acres is roadway.

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.

RC & D REPRESENTATIVES

Capek moved and Mueller seconded the motion to appoint Larry Cerny as the Trailblazer RC & D representative for Fillmore County and Patt Lentfer as the alternate for a one year term. 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.

WITHDRAWING PLEDGE SECURITY

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

RESOLUTION 2009-09

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

Cusip #3133XPJ96 in the amount of \$100,000.00

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.

WITHDRAWING PLEDGE SECURITY

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

RESOLUTION 2009-10

RESOLVED, that the Geneva State Bank of Geneva, Nebraska, be allowed to withdraw the following security held by The Kansas Bankers Surety Co. to-wit:

Guaranty Bond #DG1229 NE 167 in the amount of \$500,000.00

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.

ADJOURMENT

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., March 10, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:23 a.m., March 10, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Mueller, and Capek. Kimbrough and Galusha were absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 11:20 a.m.

FEE REPORTS

Mueller moved and Simacek seconded the motion to approve the following fee reports for February 2009:

County Clerk: \$6,804.25 (State share \$3,326.80 & County \$3,477.45)
Clerk of the District Court: \$453.06
Sheriff: \$5,147.14

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRIVEWAY PERMIT

After discussion with Kent Theobald, Simacek moved and Capek seconded the motion to approve the following application for a driveway permit:

Kent Theobald – widen existing driveway to 95' in the SE ¼, Section 5-7-2, Madison Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRIVEWAY PERMITS

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

Ray Fehringer – widen existing driveway to 40' on the east side of the SE ¼, Section 29-7-2, Madison Township;

Carol Bettger – widen two existing driveways to 40' on the east and north side of the NE ¼, Section 21-8-2, Fairmont Township;

Roger Kimbrough – widen existing driveway to 40' on the east side of the NE ¼, Section 26-6-3, Stanton Township;

Dorothy Stych – widen existing driveway to 40' on the west side of the SW ¼, Section 30-6-1, Glengary Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

GENEVA TOWNSHIP ROADS

Larry Biester, James Oberlander, and Joe Hoarty with the Geneva Township Board were present to discuss having the County maintain Geneva township roads.

After discussion, Mueller moved and Cerny seconded the motion to approve the interlocal agreement with Geneva Township beginning March 10, 2009 and ending June 30, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CRUSHED ROCK LETTING

After Highway Superintendent, Elmer Hessheimer reviewed the crushed rock bids at the February 24th Board meeting, he recommended accepting the lowest bidder, Gana Trucking.

After discussion, Mueller moved and Simacek seconded the motion to approve Gana Trucking as the lowest bidder for crushed rock. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CEDAR TREES

After discussion, Cerny moved and Capek seconded the motion to approve the cedar trees on the south side of Road H between Road 8 and 9 a nuisance. Upon roll call, the vote was as follows:

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

Overland Sand & Gravel Co.: 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.
DPL Enterprises, Inc., DBA Nichols Construction: Belle Prairie \$9.95, Bennett \$10.49, Bryant \$10.35, Chelsea \$10.69, Exeter \$9.75, Fairmont \$9.24, Franklin \$9.75, Geneva \$10.75, Glengary \$10.39, Grafton \$10.98, Hamilton \$10.73, Liberty \$9.98, Madison \$10.19, Momence \$10.94, Stanton \$10.78, West Blue \$9.95, and Stockpile \$7.35.

COARSE ROAD GRAVEL

Overland Sand & Gravel Co.: 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
DPL Enterprises, Inc., DBA Nichols Construction: Belle Prairie \$14.45, Bennett \$14.49, Bryant \$14.85, Chelsea \$14.74, Exeter \$14.25, Fairmont \$13.74, Franklin \$14.00, Geneva \$14.75, Glengary \$14.90, Grafton \$14.98, Hamilton \$14.73, Liberty \$14.48, Madison \$14.19, Momence \$14.94, Stanton \$14.78, West Blue \$14.00, and Stockpile \$11.35

GRAVEL LETTING

After discussion, Capek moved and Mueller 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: Cerny, Mueller, Capek, Yates, and Simacek
Nays: None

The Chairman declared the motion carried.

TRAILBLAZER RC & D

Steve Meyer presented the annual report for Trailblazer RC & D to the Board as well as upcoming events that they are planning.

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	3,296.43
Ackland Construction	Ser	40.00
American Legion Emblem Sales	Sup	461.69
Ameritas Life Insurance Corp.	Ret	2,791.04
Jon Anderson	Uni	35.00
Axis Capital, Inc.	Ser	243.32
Black Hills Energy	Uti	1,638.07
Bottorf & Maser, Atty.	Ser, Mile	298.75
Charles Brabec	Mile	286.00
William L. Burgess	Uni, Meals, Parking, Equip	130.78
The Cake House	Misc.	81.00
Daryl L. Callenius	Uni	35.00
City of Geneva	Uti	134.60
Constellation Energy	Uti	255.85
Crossroads Awards	Misc.	48.00

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Dell Marketing, L.P.	Sup	238.93
Dollar General	Sup	18.75
Duckwall – Alco Stores, Inc.	Sup	36.44
Earls Window Service	Ser	5.00
Evercom Systems, Inc.	Sup	140.00
Executive Copier Services	Sup	93.58
Jennifer Fakler	Ser	81.25
Fillmore County Clerk	Fee	15.50
Fillmore County Treasurer	Taxes, Wksh, Post, Misc.	18,371.91
Fillmore County Medical Center	Ser	2.37
First Concord Benefits Group, LLC	Ser	210.00
Geneva State Bank	SS	2,899.15
Geneva Super Foods	Sup	419.28
Geneva TV & Appliance, Inc.	Sup	24.00
Hilty's of Geneva	Sup	466.73
Hometown Leasing	Ser	704.65
Jill's Sweet Shop	Jury Meals	130.95
Jim's Repair	Rep	60.50
Steve Julich	Uni	35.00
Juror Fees		2,588.53
Kerry's Auto Repair & Service	Rep, Parts	2,465.03
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,204.00
Lease Consultants Corp.	Ser	498.00
Lincoln County Sheriff	Ser	16.60
Loup Valley Lighting, Inc.	Sup	822.15
Robert McFarland	Uni	35.00
Microfilm Imaging Systems, Inc.	Ser	100.00
MIPS, Inc.	Ser, Sup	2,713.37
Robert Mueller	Misc.	34.77
The Nebraska Signal	Sup, Ads, Pro	2,426.96
Northeast Nebraska Juvenile Services	Boarding Prisoners	2,846.25
O'Keefe Elevator Company, Inc.	Maint	214.20
Platte Valley Communications of Hastings	Rep, Sup	203.50
Lyndsey Pohlmeier	Mile, Meals	73.88
R & D Parts, LLC	Sup	1.22
R. L. Polk & Co.	Sup	200.00
Radiology Associates, PC	Ser	52.00
Ralph's Geneva Tire & Service Center, Inc.	Rep, Tires	399.83
Red Willow County Sheriff's Dept.	Ser	23.12
Steven G. Roemmich	Uni	35.00
Seiler & Parker, P.C.	Ser, Mile	782.10
Southeast District County Officials Assoc.	Wksh	126.00
State of Nebraska AS Central Finance	Ser	448.00
Chad Summers	Uni	35.00
Thayer County Court	Ser	3.00
Trailblazer RC & D	Dues	100.00
U. S. Attorney's Office	Wksh	95.00
UN-L IS-Telecommunications	Uti	12.26
Veterans of Foreign Wars Supply Dept.	Sup	346.75
Windstream	Uti	228.11
Payroll	Salaries	40,396.36

ROAD/BRIDGE FUND:

Action Auto Supply	Parts, Sup	52.29
Alltel	Uti	86.37
Ameritas Life Insurance Corp.	Ret	1,689.00
Black Hills Energy	Uti	983.37
Casey's General Store	Fuel	1,064.87
Century Lumber Center	Parts, Sup	253.89
City of Geneva	Uti	63.40
Farm Plan	Parts	329.53
Fillmore County Shop	Post	33.22
Filter Care of Nebraska	Parts	36.25
Friesen Chevrolet, Inc.	Parts	39.78
Geneva Implement	Parts, Sup	156.79
Geneva State Bank	SS	1,842.19
Geneva Welding & Supply, Inc.	Parts, Sup	408.62
Heath, Inc.	Rep	50.00
Elmer Hessheimer	Misc.	300.00
Holiday Inn of Kearney	Lodging	68.00
Lichti Oil	Fuel, Parts, Sup	4,846.45
Michl Service	Fuel	188.76
Midwest Steel Fabricators	Parts, Sup, Rep	243.50
Nebraska Iowa Industrial Fasteners	Sup	213.66
The Nebraska Signal	Ads	43.58
Nebraska Truck & Equipment	Parts	46.22
Newman Traffic Signs	Sup	672.73
Nick's Farm Store	Rep	52.92
Perennial Public Power	Uti	64.63

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Power Plan	Parts	248.48
R & D Parts	Sup	5.14
Ralph's Geneva Tire & Service	Rep	113.05
Roit Repair	Rep	121.67
Saline County Treasurer	Bridge	70,499.66
Donna Saltzman	Ser	25.00
Shell Fleet Plus	Fuel	143.88
Southeast District County Officials Assoc.	Wksh	36.00
Strobel Industries, Inc.	Parts	138.99
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	25,021.95
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.70
Janet Bartak	Mile, Meals	53.75
Dawg's Smokehouse Café	HDM's	273.00
Judy Donlinger	Ser	132.00
Eakes Office Plus	Equip	89.95
Exeter Care Center	HDM's	270.00
Exeter Senior Center	USDA	49.02
Fairmont Aging Services	USDA	193.80
Fillmore County Treasurer	Post	91.50
Geneva Senior Center	Rent, USDA, Uti	809.99
Geneva State Bank	SS	171.60
Susan Kerl	Ser	132.00
Elizabeth Mattox Manning	Ser	132.00
Brenda Motis	Mile, Sup	55.24
Ron's Tavern	HDM's	150.00
JoAnn Vavra	Ser	132.00
Payroll	Salaries	2,259.50
<u>INHERITANCE TAX FUND:</u>		
O'Keefe Elevator Company, Inc.	Rep	893.00
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	Taxes	3,378.05
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	37.91
Ameritas Life Insurance Corp.	Ret	79.55
Merlin Ehmen	Rent, Post, Sup	231.06
Geneva State Bank	SS	90.16
The Nebraska Signal	Ad	181.91
Payroll	Salaries	1,178.58

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

SUPERVISOR MILEAGE

After discussion, Mueller moved and Cerny seconded the motion that the Board of Supervisors will only submit mileage reimbursement for out-of-county travel. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the February 24, 2009 Board meeting as presented.

FLOODPLAIN ISSUES

Steve Yates informed the Board that he had contacted Larry Lewis to give the Board and Merle Noel an estimate on what it would cost to look at Noel's property regarding the floodplain.

ADJOURMENT

March 10, 2009

Agenda items "Personnel Evaluations and NIRMA Insurance" will be discussed at a future Board meeting. As there were no other items to come before the Board, Mueller moved and Simacek seconded the motion to adjourn until 9:00 a.m., March 24, 2009. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Simacek, 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 24, 2009, 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. 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 3:00 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the March 10, 2009 Board meeting as presented.

NOXIOUS WEED BOARD

Gary Richards submitted his resignation of the Noxious Weed Board effective May 1, 2009.

HOUSING STUDY

Patt Lentfer, Executive Director with Fillmore County Development Corp. presented a completed Housing Study for Fillmore County to the Board.

DRIVEWAY PERMIT

After discussion, Galusha moved and Cerny seconded the motion to approve the following application for a driveway permit:

William Hofmann – widen existing driveway to 85' on the west side of the SW ¼, Section 6-8-4, Grafton 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 PERMITS

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

Dirk Johnson – widen existing driveway to 40' on the north side of the NW ¼, Section 22-5-4, Bryant Township;

Jason Bernasek – install a new 40' driveway on the east side of the SE ¼, Section 29-6-1, Glengary Township;

Mel Taylor – install a new 20' driveway on the north side of the NW ¼, Section 3-6-1, Glengary Township;

Keith Spohn – install a new 40' driveway on the south side of the SW ¼, Section 11-7-1, Liberty 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

Cerny moved and Galusha seconded the motion to approve the following applications to clean silt from the road ditch:

Mel Taylor – clean silt along the north side of the NW ¼, Section 3-6-1, Glengary Township;

Kevin Songster – clean silt along the north side of the NE ¼, Section 19-8-1, Exeter Township.

Upon roll call, the vote was as follows:

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

Nays: None Absent: Mueller

The Chairman declared the motion carried.

STATE OF NEBRASKA AGREEMENT

After discussion, Simacek moved and Kimbrough seconded the motion to approve and sign the agreement with the State of Nebraska to locate the land monuments on west Highway 41, from Highway

reference post 18.91 to 22.91 State of Nebraska will reimburse Fillmore County \$100.00 per monument, not to exceed \$900.00. 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.

FIVE DAY WORK WEEK

Simacek moved and Galusha seconded the motion to continue with a five day work week at the Road’s Department. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

FOUR DAY WORK WEEK

Kimbrough moved and Mueller seconded the motion that the Road’s Department will work a four day work week beginning June 1st and ending August 28th, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CULVERT PIPE BIDS

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

	<u>ROUND CMP</u>										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	7.98	9.54	12.66	19.70	23.57	37.99	43.32	49.52	67.82	81.25	115.19
Contech	7.90	9.30	12.20	18.80	22.70	38.40	42.30	48.80	68.00	83.00	122.00
Metal Culverts	6.72	7.98	10.68	16.50	19.68	32.34	36.84	42.00	59.10	70.56	101.82
Midwest Services	8.62	10.25	13.68	20.56	24.57	40.49	46.10	51.71	73.74	87.87	102.02
	<u>ELLIPTICAL SQUASH PIPE</u>										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	8.38	9.94	13.06	20.10	23.91	38.39	43.72	49.92	68.22	81.65	115.59
Contech	8.30	9.60	12.50	20.60	23.90	39.90	44.50	51.90	70.80	84.90	129.00
Metal Culverts	7.32	8.60	11.59	17.51	20.86	33.86	38.49	43.86	61.37	73.32	105.80
Midwest Services	9.45	11.19	14.71	21.81	25.80	41.97	47.79	53.82	76.90	92.09	106.93
	<u>ROUND HELICAL (SPIRAL)</u>										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	7.20	8.50	11.40	17.80	21.25	34.50	39.80	45.50	62.80	76.00	108.00
Contech	7.40	8.60	11.80	18.00	21.40	35.70	40.30	45.80	61.60	74.00	117.00
Metal Culverts	6.72	7.98	10.68	16.50	19.68	32.34	36.84	42.00	59.10	70.56	101.82
Midwest Services	7.68	9.14	12.20	18.35	21.91	36.12	41.11	46.11	65.76	78.35	90.96
	<u>ELLIPTICAL HELICAL SQUASH PIPE</u>										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	7.60	8.90	11.80	18.20	21.50	35.50	40.30	46.00	63.20	77.00	111.00
Contech	7.90	8.90	12.40	18.90	22.10	37.10	42.40	49.00	64.00	78.80	123.00
Metal Culverts	7.32	8.60	11.59	17.51	20.86	33.86	38.49	43.86	61.37	73.32	105.80
Midwest Services	8.43	9.98	13.12	19.44	23.02	37.43	42.61	47.99	68.57	82.11	95.35

CULVERT PIPE LETTING

After discussion, Kimbrough moved and Capek seconded the motion to accept all bids with the Highway Superintendent selecting the lowest bid depending upon availability. 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.

EMERGENCY DECLARED TO ADD ITEM TO AGENDA

At the request of the Highway Superintendent, Elmer Hessheimer, Cerny moved and Mueller seconded the motion to declare an emergency in order to add an item to the agenda, said item “Project #STR-81-1(1040)”. 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.

PROJECT #STR-81-1(1040)

Highway Superintendent, Elmer Hessheimer informed the Board that on March 23rd he had a meeting with several people from District 4 and Larry Legg from the NDOR regarding this project. Mr. Legg is requesting to change the plan and request a relaxation of design standards and build the bridge 30' wide instead of the original width of 40'.

After discussion, Cerny moved and Mueller seconded the motion to build the bridge replacement on old Highway 81 north of Geneva according to design standards at 40'. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

HOSPITAL BOARD SALARY

Paul Utemark, CEO presented an update and a quarterly report for the Fillmore County Hospital. Paul also requested that the Hospital Board salary be increase from \$900.00 a year to \$1,200.00 a year.

After discussion, Mueller moved and Cerny seconded the motion to increase the hospital board salary to \$1,200.00 a year, which is the maximum beginning July 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.

GASRITE

Jeff Ramold, President of Gasrite gave a presentation in regards to contracting fuel for the County. There are three different options for incentive pricing, forward contract pricing, and price later gas/diesel at the pump. Board will discuss at the next 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:

All Around Lawn Care	Ser	60.00
Alltel	Uti	414.62
Ameritas Life Insurance Corp.	Ret	2,704.97
Aramark Uniform Services, Inc.	Ser	506.87
Blue Cross Blue Shield of Nebraska	Insur	15,411.99
Buzz's Alignment	Rep	160.00
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	81.09
Dell Marketing, L.P.	Sup	179.98
Eakes Office Plus	Sup	919.53
Erdkamp Motors	Rep	36.00
Executive Copier Services	Ser	109.75
Fillmore County Hospital	Ser	75.00
Fillmore County Medical Center	Ser	73.26
First Concord Group, Inc.	Insur	3,865.12
Franklin County Treasurer	Ser	13.20
Geneva State Bank	SS	2,809.97
Gambles	Sup	77.95
The Garbage Co., Inc.	Ser	161.63
Norma Gregory	Ret	25.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,652.00
Stephen J. Kraviec	Ser, Post	1,703.87
Lincoln County Sheriff	Ser	31.60
Lafayette Life Insurance Co.	Insur	161.35
Lynn Peavey Company	Sup	47.88
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	100.00
Mid-American Research Chemical	Sup	507.21
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	893.76
The Nebraska Signal	Sup	122.70
Northeast Nebraska Juvenile Services	Boarding Prisoner	2,486.25
Phelps County Court	Ser	6.50
Saline County Sheriff	Ser	50.00

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State of Nebraska AS Central Finance	Ser	57.61
State of Nebraska Dept. of Correctional Ser	Boarding Prisoner, Med	314.10
State of Nebraska Dept. of Motor Vehicle	Ser	4.00
State of Nebraska Public Health Env. Lab.	Ser	252.00
Brandy VanDeWalle	Mile, Wksh	24.40
Weaver Pharmacy	Sup	102.55
Eric Williams	Mile, Sup	165.85
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,146.44
Steven Yates	Mile	99.00
York County Sheriff	Ser, Mile	16.65
Payroll	Salaries	39,230.87

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,605.25
Auto Value Parts Stores	Parts, Sup	523.34
B's Enterprises	Sup	6,630.00
Baum Hydraulics	Parts	30.33
Blue Cross Blue Shield of Nebraska	Insur	9,807.63
City of Geneva	Fencing, Sup	2,726.82
Dorchester Farmers Coop	Fuel	171.00
Gambles	Sup, Parts	163.32
The Garbage Company	Ser	78.76
Geneva Gun Club, Inc.	Easement	30.00
Geneva State Bank	SS	1,747.32
Ralph Gould	Ret	18.00
Mitchel T. & Cheryl L. Hedden	ROW	670.00
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	80.69
Kerry's Auto Repair & Service	Rep	12.00
L. J. Webb Contractor, Inc.	Sup	300.00
Lafayette Life Insurance Co.	Insur	87.99
Lichti Oil	Fuel	1,830.96
NMC Exchange, LLC	Parts, Sup	2,920.35
Nebraska Public Power	Uti	323.47
Perennial Public Power	Uti	112.56
Speece Lewis Engineers	Ser	305.50
Superior Deshler, Inc.	Fuel	37.78
Village of Fairmont	Uti	57.42
Windstream	Uti	145.38
Yant Equipment	Rep	216.37
Zep Manufacturing	Sup	99.77
Payroll	Salaries	23,781.39

EXONOMIC DEVELOPMENT – TOURISM FUND:

Fillmore County Development Corp.	Sup, Mile, Wksh, Ser	399.07
Milligan Auditorium Corp.	Grant	500.00

INSTITUTIONS FUND:

State of Nebraska Health & Human Service	Febr. Patient Care	84.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	134.78
Blue Cross Blue Shield of Nebraska	Insur	934.06
Geneva State Bank	SS	173.18
Jeannine Krejci	Ser	120.00
Lafayette Life Insurance Co.	Insur	9.00
Rhonda Stokebrand	Mile	59.00
Payroll	Salaries	2,280.15

NOXIOUS WEED FUND:

Ameritas Life Insurance Corp	Ret	444.86
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	504.19
Payroll	Salaries	6,590.60

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	118.99
Windstream	Uti	986.24

CLAIMS APPROVED

Simacek 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.

LIBERTY TOWNSHIP BOND

Mueller moved and Galusha seconded the motion to approve the Liberty Township bond for Galen Kuska beginning April 3, 2009 and ending April 3, 2010. 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.

RURAL TRANSIT

Jane Crock and Crystal Norvell presented the budget for 2009-2010 for the Fillmore County Rural Transit in the amount of \$18,780.00, which will be discussed later this summer. They also presented documents for Federal and State funding.

FEDERAL FUNDING FOR RURAL TRANSIT

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

RESOLUTION 2009-11

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 2009-2010.

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.

RURAL TRANSIT CONTRACT WITH BLUE VALLEY

Capek moved and Kimbrough seconded the motion to approve and sign the contract with Blue Valley Community Action, Inc. for rural transit in Fillmore County beginning July 1, 2009 and ending June 30, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

FEDERAL & STATE FUNDING

Mueller moved and Kimbrough seconded the motion to approve and sign the Federal and State funding applications for fiscal year 2009/2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

NOXIOUS WEED SUPERINTENDENT APPOINTMENT

Gaylord Cradduck and Darlene Vodicka, Noxious Weed Board members, presented to the Board their first and second recommendation of the five interviews for the Noxious Weed Superintendent position.

After discussion, Capek moved and Simacek seconded the motion to approve the Noxious Weed Board to offer the Superintendent position to their 1st recommendation. If they do not accept, then they will offer the position to their 2nd recommendation. 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.

MISSION NEBRASKA

March 24, 2009

Stan Parker and Carolyn Simmons appeared to request putting equipment on the 911 tower to increase their radio coverage. After discussion, the Board requested the Emergency Manager to research their request and report at the next Board meeting.

EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

Terry Marshall, Emergency Manager informed the Board that Fillmore County was awarded \$37,882.00 to be used before September 1, 2009 without receiving a penalty for not using the EMPG funds. After discussion, the Board requested that Terry start the process of replacing the emergency manager's vehicle and completing the work on the emergency management's trailer.

LONG TERM DISABILITY

Beginning July 1, 2009 all employees covered on the county's health insurance will be receiving long term disability insurance. This plan will cover up to 50% of their salary up to a maximum annual covered salary of \$20,000 if you are unable to work due to the disabling injury or illness, with a 120 day waiting period. More information will be sent out to all employees in their paychecks.

After discussion, Mueller moved and Galusha seconded the motion to purchase the base plan for the employees that are not covered by the county's health insurance and to allow all employees the buy up option at the employee's expense. 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.

2009/2010 SALARY COMMITTEE

Chairman of the Board, Yates appointed Albert Simacek, Larry Cerny, and Dennis Kimbrough to the 2009/2010 salary committee.

ADJOURNMENT

Agenda item "personnel evaluations" will be discussed at a future Board meeting. As there were no other items to come before the Board, Mueller moved and Simacek seconded the motion to adjourn until 9:10 a.m., April 14, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 14, 2009, 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. Victoria Bunker also attended the meeting as part of the Odegeo Leadership program.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:46 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the March 24, 2009 Board meeting as presented.

FEE REPORTS

Simacek moved and Mueller seconded the motion to approve the following fee reports for the month of March along with the Rural Transit report:

County Clerk: \$11,021.86 (\$6,142.38 State share & \$4,879.48 County)

Sheriff: \$1,456.06

Clerk of District Court: \$867.80

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.

EMERGENCY MANAGEMENT VEHICLE

Chairman of the Board, Yates submitted the three bids that were received for a used SUV for the emergency manager. Received the following bids: 2004 Chevrolet Tahoe LT from Woodhouse for \$19,994.00, 2005 Chevrolet Tahoe LT from Huber Automotive for \$23,855.00, and a 2005 Chevrolet Tahoe from JPK Investment Motors for \$18,995.00. Emergency Manager purchased the 2005 from JPK Investment Motors.

GASRITE

Tim Johnson with Gasrite was present to answer any questions that the Board had regarding the Gasrite presentation at the last Board meeting. At this point no action will be taken, will look at it again in the fall.

SURPLUS

After discussion, Kimbrough moved and Mueller seconded the motion to declared the 1997 Chevrolet Tahoe and a VCR 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.

DRIVEWAY PERMITS

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

John Dinneen – widen existing driveway to 40' on the east side of the NE ¼, Section 32-8-1, Exeter Township;

Menke Family Trust – widen existing driveway to 30' on the north side of the NW ¼, Section 23-8-1, Exeter Township;

Verna Schmer – widen existing driveway to 40' on the north side of the NE ¼, Section 7-7-4, Bennett Township;

Lawrence Griess – widen two existing driveways to 40' on the east side of the NE ¼, Section 31-7-4, Bennett Township;

East Range, LLC – widen existing driveway on the south side of the SE ¼, Section 33-5-2, Belle Prairie Township;

Steve Ewalt – remove one and install two new driveways on the east side of the NE ¼, Section 10-6-3, Stanton Township;

Rick Walters – remove and install a new driveway on the west side of the NW ¼, Section 19-6-3, Stanton Township;

Irene Easton Trust – widen two existing driveways to 40' on the north side of the NW ¼, Section 25-6-4, Momence Township;

Paul Mau – widen existing driveway to 40' on the east side of the NE ¼, Section 17-6-3, Stanton 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.

CLEAN SILT PERMITS

Cerny moved and Mueller seconded the motion to approve the following applications to clean silt from the road ditch:

John Dinneen – clean silt along the east side of the NE ¼, Section 32-8-1, Exeter Township;
Lawrence Griess – clean silt along the east side of the NE ¼, Section 31-7-4, Bennett Township;
Sylvia Laun – clean silt along the west side of the NW ¼, Section 16-5-1, Franklin Township;
Shane Peed – clean silt along the north and west side of the NW ¼, Section 11-8-2, Fairmont Township;
Steve Ewalt – clean silt along the east side of the NE ¼, Section 10-6-3, Stanton Township;
Roger Kimbrough – clean silt along the east side of the NE ¼, Section 26-6-3, Stanton 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

Galusha moved and Simacek seconded the motion to approve the following applications to occupy county right-of-way:

Keith Peters – to bury electrical line between the NW ¼ of Section 30 and the SW ¼ of Section 19-8-4, Grafton 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: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek
Nays: None

The Chairman declared the motion carried.

CLEAN SILT PERMIT

Mueller moved to approve the clean silt permit for Michael Dillon. After discussion, Mueller withdrew his motion from the floor.

ENVIRONMENTAL ASSESSMENT

Kim Plouzek with Public Health Solutions informed the Board of the Environmental Assessment that will be done in Fillmore County.

REGION V SYSTEMS & SERVICES

C. J. Johnson with Region V Systems gave an annual report and budget request for 2009-2010 of \$9,280.00 for mental health and \$1,637.00 for substance abuse which is the same as last year.

Dave Merrill with Region V Services gave the annual report and budget request for 2009-2010 of \$11,809.00 which is the same as last year. Both requests will be considered later this summer.

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, Mile	3,379.91
Lanny Ackerman	Mtgs, Mile	94.50
Ameritas Life Insurance Corp.	Ret	5,443.51
Jon Anderson	Uni, Post	68.58
Axis Capital, Inc.	Ser	243.32
Bear Graphics	Sup	605.23
Beyke Signs, Inc.	Sup	124.95
Black Hills Energy	Uti	1,334.64
Blue Valley Community Action Partnership	3 rd Qtr request	4,559.25
Buffalo County Sheriff	Ser	5.00
William L. Burgess	Uni	35.00

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Business World Products, Inc.	Sup, Ser	463.03
Daryl L. Callenius	Uni	35.00
City of Geneva	Uti	128.20
Constellation Engery	Uni	186.83
Contryman Associates, P.C.	Ser	1,200.00
County Veteran's Service Officer Assoc.	Wksh, Dues	90.00
Geraldine Daniels	Mile	62.70
Dell Marketing, L.P.	Equip	2,140.06
Duckwall – Alco Stores, Inc.	Sup	48.91
Eakes Office Plus	Sup	713.39
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	71.40
Executive Copier Services	Ser	72.61
Fillmore County Clerk of District Court	Fees	242.00
Fillmore County Development Corp.	3 rd Qtr request	10,000.00
Fillmore County Hospital	Ser	77.00
Fillmore County Medical Center	Ser	4.00
Fillmore County Treasurer	Transfer, Post, Equip	60,284.91
First Concord Benefits Group, LLC	Ser, Deduct	4,066.70
The Garbage Co., Inc.	Ser	161.63
Geneva State Bank	Ser, SS	5,803.71
Geneva TV & Appliance, Inc.	Sup	18.00
Matt Harre	Mtgs, Mile	97.80
Hebron Journal Register	Ads	13.50
Hometown Leasing	Ser	704.65
Steve Julich	Uni, Post	47.65
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,010.00
Stephen J. Kraviec	Ser, Post	1,701.56
Lafayette Life Insurance Co.	Insur	160.45
Lease Consultants Corp.	Ser	249.00
Loup Valley Lighting, Inc.	Sup	571.35
Madison County Sheriff's Dept.	Ser	16.65
Tom Manning	Mtgs, Mile	74.70
Terry L. Marshall	Uti	127.46
Maximus, Inc.	Ser	519.80
MIPS, Inc.	Ser, Equip.	3,258.72
Mark Morgan	Mtgs, Mile	46.50
Morley Most	Mtgs, Mile	94.50
Marvin Nadherny	Mtgs, Mile	28.20
Nebraska Public Power	Uti	890.27
The Nebraska Signal	Pro, Sup, Ads	878.41
Merle Noel	Mtgs, Mile	63.15
Reg Noel	Mtgs, Mile	63.15
Mary Novak	Sup	24.29
Paper Tiger Shredding	Ser	175.80
Platte County Sheriff Office	Ser	60.68
Platte Valley Communications of Hastings	Sup	96.94
Lyndsay Pohlmeier	Mile, Meals	210.04
Ralph's Geneva Tire & Service Center, Inc.	Rep	88.23
Region V Services	3 rd Qtr request	2,952.25
Steven G. Roemmich	Uni	35.00
Secretary of State	Ser	140.00
Seiler & Parker, P.C.	Ser, Mile	154.20
Seward County Sheriff	Ser	32.04
Shell Fleet Plus	Fuel	1,352.61
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
Chad Summers	Uni	35.00
Barbara Trapp	Sup	16.99
UN-L IS-Telecommunications	Uti	20.97
Brandy VanDeWalle	Mile, Meals	110.81
Weaver Pharmacy	Sup	242.80
Daniel L. Werner	Ser, Mile	2,197.75
Eric Williams	Mile	75.90
Windstream	Uti	1,407.70
York County Sheriff	Ser	35.80
York News Times	Ads	97.76
Payroll	Salaries	79,280.97

ROAD/BRIDGE FUND:

Action Auto Supply	Parts, Sup	65.34
All Roads Barricade, Inc.	Sup	130.94
Alltel	Uti	146.99
Ameritas Life Insurance Corp.	Ret	3,209.30
Andrews Electric Co., Inc.	Sup	5.60
Auto Value Parts Stores	Parts, Sup	1,134.53
Black Hills Energy	Uti	753.02
Casey's General Store	Fuel	1,334.21
Century Lumber Center	Parts, Sup, Misc.	83.39

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City of Geneva	Uti	57.00
Dorchester Farmers Coop	Fuel	65.01
Farm Plan	Parts, Sup	188.94
Fastenal Company	Sup	56.27
Filter Care of Nebraska	Parts	193.05
Gana Trucking & Excavating	Gravel	30,062.10
The Garbage Company	Uti	78.76
Geneva Implement	Parts	52.67
Geneva State Bank	SS	3,577.32
Geneva Welding & Supply, Inc.	Parts, Sup	669.84
Grafton Oil	Sup	1,742.40
Grainger	Sup	64.60
Elmer Hessheimer	Sup	42.15
Kerry's Auto Repair & Service	Rep	12.00
L. J. Webb Contractor, Inc.	Equip	315.00
Lafayette Life Insurance Co.	Insur	87.99
Lichti Oil	Fuel, Parts, Rep	8,916.54
Michl Service	Fuel	49.00
Nebraska Assoc. County Engineers	Wksh	70.00
Nebraska Iowa Industrial Fasteners	Sup	100.84
Nebraska Public Power	Move Uti	57,967.48
The Nebraska Signal	Ads, Sup	680.71
Newman Traffic Signs	Sup	1,074.25
Nichols Construction	Gravel	46,149.82
Nick's Farm Store	Equip	242.99
Overland Sand & Gravel	Rep, Gravel	574.01
Patrice's Specialties	Rep	107.00
Perennial Public Power	Uti	57.12
Power Plan	Parts	358.55
R & D Parts	Sup	219.45
Ralph's Geneva Tire & Service	Tires, Rep	853.45
Shell Fleet Plus	Fuel	191.94
Speece Lewis Engineers	Ser	2,528.54
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	34.09
Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.49
Windstream	Uti	144.64
Payroll	Salaries	48,643.85
<u>JUVENILE DIVERSION FUND:</u>		
Dave Wythers	Ser, Mile, Uti	2,941.00
<u>EMPLOYMENT SECURITY FUND:</u>		
State of Nebraska Dept. of Labor	Unemployment	436.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	267.40
Janet Bartek	Mile	77.00
Dawg's Smokehouse Café	HDM	266.50
Judy Dondlinger	Ser	156.00
Exeter Care Center	HDM	310.00
Exeter Senior Center	USDA	45.03
Fairmont Aging Services	USDA	176.56
Fillmore County Transit	Mile	45.00
Geneva Senior Center	Rent, USDA, Uti	779.41
Geneva State Bank	SS	341.78
Susan Kerl	Ser	156.00
Jeannine Krejci	Ser	144.00
Lafayette Life Insurance Company	Insur	9.00
Bette Mattox Manning	Ser	144.00
Brenda Motis	Mile, Wksh	155.25
Ron's Tavern	HDM	130.00
Shell Fleet Plus	Fuel	31.27
Rhonda Stokebrand	Mile, Post, Wksh	181.19
JoAnn Vavra	Ser	108.00
Payroll	Salaries	4,500.42
<u>INHERITANCE TAX FUND:</u>		
Hall's Sand Blasting & Painting	Rep	500.00
<u>ETHANOL PLANT ROAD BOND FUND:</u>		
UMB Bank, NA	Principal & Interest	41,931.25
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	March taxes	4,185.52
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	37.88

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Ameritas Life Insurance Corp.	Ret	11.81
Gaylord Craddock	Mile	93.50
Crete News, Inc.	Ads	96.00
Merlin Ehmen	Rent	220.00
Geneva State Bank	SS	74.60
Hastings Tribune	Ads	171.00
Frances Heinrichs	Mile, Sup, Post	118.59
Ron Isley	Mile	71.50
Wanda Moses	Sup	12.40
York News Times	Ads	164.38
Payroll	Salaries	975.00
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	129.94
Windstream	Uti	885.07

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

SENIOR CENTER/SENIOR SERVICES STUDY

Brenda Motis, Senior Services Administrator informed the Board that the City of Geneva is applying for a Community Development Block Grant (CDBG) to conduct a feasibility study in the amount of \$26,500.00, total study will cost approx. \$31,250.00. The CDBG will cover 75% of the cost with a 25% community match. This study will determine the future needs of the Geneva Senior Center, Senior Services, and Rural Transit. Brenda asked the Board if they would be willing to pay part of the 25% community match, which would be \$1,250.00. The Board approved this and requested Brenda to include it in her budget request.

LEASING SPACE ON 911 TOWER

After discussion with Emergency Manager, the Board decided that they would not allow anymore antennas to be placed on the tower until the State of Nebraska decided where they would need to place antennas due to a Coordination Agreement that the County has with the State of Nebraska.

U.S. BANK PURCHASE CARDS

Aaron Gilson with U. S. Bank gave a presentation via telephone regarding the U. S. Bank purchase cards that they are offering counties. Joan Ackland, Barbara Trapp, and Eric Williams were also present.

After discussion, Cerny moved and Mueller seconded the motion to allow the county to use the U. S. Bank purchase cards. 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.

JAIL INSPECTION REPORT

After last Board meeting a jail inspection was completed. It was reported that the cells could use some cleaning.

ADJOURNMENT

Agenda items "10 hour work day/holiday and Employee Performance Evaluations" 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., April 28, 2009. Upon roll call, the vote was as follows:

Ayes:
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 28, 2009, 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. Kendra Oldehoeft attended the meeting as part of Odegeo Leadership project.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:20 p.m.

MINUTES APPROVED WITH CORRECTION

After discussion, Cerny moved and Capek seconded the motion to approve the minutes of the April 14th meeting with the following correction: add the bid from Biegert Construction Co. in the amount of \$4,795.00 to construct an office in the old road building for the Noxious Weed Superintendent. 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.

COUNTY SURVEYOR

Tom Krueger, County Surveyor gave a report to the Board of how he marks the corners, etc. in the County.

DITCH CLEANING IN GRAFTON TOWNSHIP

Henry Fehr was present to discuss the drainage problem in the NE ¼, Section 18-8-4, Grafton Township.

After discussion, Galusha moved and Cerny seconded the motion to direct the Highway Superintendent to clean out the ditch on the north side of the NE ¼, Section 18-8-4, Grafton Township and bill the landowners for this cleaning as stated in their letter from the County Attorney. 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

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

Sophie Dunlap/Erma Lundberg Trust – remove existing driveway on the east side of the NE ¼, Section 4-7-2, Madison Township;

Harriet Reinsch – install a new driveway on the north side of the NE ¼, Section 35-6-3, Stanton Township;

Kent & Kurt Myers – install a new 30' driveway on the west side of the SW ¼, Section 35-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

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

Nays: None Abstaining: Kimbrough

The Chairman declared the motion carried.

CLEAN SILT PERMITS

Galusha moved and Simacek seconded the motion to approve the following applications to clean silt from the road ditch:

Sophie Dunlap/Erma Lundberg Trust – clean silt along the east side of the NE ¼, Section 4-7-2, Madison Township.

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.

OCCUPY COUNTY RIGHT-OF-WAY

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

Windstream Nebraska, Inc. – to bury communication line between the SW ¼ of Section 16 and the NW ¼ of Section 21-8-2, Fairmont 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.

Windstream Nebraska, Inc. – to bury communication line between the SE ¼ of Section 14 and the NE ¼ of Section 23-6-4, Momence 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.

Windstream Nebraska, Inc. – to bury communication line between the SE ¼ of Section 30 and the SW ¼, Section 29-5-1, Franklin 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.

CLEAN SILT PERMIT

After discussion, Simacek moved and Galusha seconded the motion to approve the follow application to clean silt from the road ditch:

Michael Dillon – clean silt along the east side of the road ditch between Section 9 and 10-7-2, Madison 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.

JOB DESCRIPTION

After discussion, Mueller moved and Cerny seconded the motion to approve the job description for the sign person. 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.

WORK WEEK

Received a letter from an employee discussion road's department working ten (10) hour days and how vacation and holiday pay. The Board will address the issues in a letter to the employee.

DRAINAGE ISSUE

After discussion, Mueller moved and Cerny seconded the motion to direct the Highway Superintendent to contact Larry Lewis with Speece Lewis Engineering to conduct a survey to assess the work that has been completed in Section 15 & 16-7-2, Madison 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.

CISDA

Carol Hrdlicka and Amy Meier with CISDA presented the annual report and budget request in the same amount that was requested for 2008-2009. Budget requests will be handled later during the budget process.

POSTAGE MACHINE

After discussion the Board directed the Deputy County Attorney to send a letter to the lease company to see about terminating the lease.

KEYSTONE XL PIPELINE CONCERNS

Mel Taylor, Eric W. Milton, Roger & Judy Rada, County Attorney Jill Cunningham, Deputy County Attorney Howard Ach, and County Assessor Joan Ackland attended the meeting regarding the concerns the

landowners and concerned citizens have regarding the Keystone XL pipeline that is proposed to go through Fillmore County.

After discussion, the County Attorney will research what other counties affected by the pipeline are doing and report back to the Board at the May 12th Board meeting.

EMPLOYEE PERFORMANCE EVALUATIONS

The Board requested all department heads to complete employee performance evaluations by June 1st of each year. Attending were Bill Burgess, Peggy Birky, Terri Volkmer, Terry Marshall, Brandy VanDeWalle, Barbara Trapp, Joan Ackland, and Eric Williams. Department heads will review the different performance evaluations and report back at the next Board meeting.

EXTENSION OFFICE

Brandy VanDeWalle, Extension Educator informed the Board of the projects that she has been working on. Among them are irrigated cropping systems, risk management, youth development, and the completion of her LEAD program.

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	427.20
Ameritas Life Insurance Corp.	Ret	2,638.14
Jon Anderson	Misc.	45.35
Aramark Uniform Services, Inc.	Ser	609.46
Lois Bernasek	Misc.	45.35
Blue Cross/Blue Shield of Nebraska	Insur	14,944.96
Daryl Callenius	Misc.	45.35
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Brandie Conway	Misc.	45.35
Corner Stop	Fuel	7.99
Dell Marketing, LP	Equip	291.00
Erdkamp Motors	Rep	36.00
Evercom Systems, Inc.	Sup	140.00
Fillmore County Building & Grounds	Misc.	46.23
Fillmore County Sheriff	Fees	232.88
Fillmore County Treasurer	Wksh, Interest	80.03
Gambles	Sup	121.51
Geneva State Bank	SS	2,773.26
Geneva Super Foods	Sup	647.60
Geneva TV & Appliance, Inc.	Equip	269.00
Germer, Murray & Johnson	Ser, Mile	1,717.54
Norma Gregory	Ret	25.00
JEO Consulting Group, Inc.	Ser	981.00
Jim's Repair	Rep	776.68
Steve Julich	Misc.	45.35
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,641.75
Kerry's Auto Repair & Service	Rep	1,567.69
Lancaster County Sheriff	Ser	110.62
Ann H. McDonald	Ret	18.00
Mels Automotive	Rep	30.00
Howard Mills	Misc.	45.35
MIPS, Inc.	Equip, Ser	1,048.70
Moore Wallace	Sup	52.86
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Wksh	240.00
Nebraska Public Power District	Uti	96.07
Nebraska Supreme Court	Sup	350.00
Dawn Opfer	Misc.	45.35
Parade of Flags	Sup	84.00
Platte Valley Communications of Hastings	Ser, Equip	27,043.79
Proforma	Sup	412.26
Radiology Associates, PC	Medical	52.00
R. L. Polk & Co.	Sup	20.00
Steven Roemmich	Misc.	45.35
Shell Fleet Plus	Fuel	1,606.95
Olivia Shellhase	Misc.	45.35
State of Nebraska AS Central Finance	Ser	57.64
State of Nebraska Dept. of Correction	Boarding Prisoners	2,540.20
State of Nebraska Dept. of Motor Vehicles	Misc.	210.00
State of Nebraska Public Health Env.	Ser	56.35
Chad Summers	Misc.	45.35

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University of Nebraska – Schmid Law Libr.	Ser		22.50
USDA, APHIS	Ser		1,835.00
Walter F. Stephens, Jr., Inc.	Sup		54.54
West Payment Center	Sup		77.70
Williams Exterminating, Inc.	Ser		110.00
Payroll	Salaries		38,457.60
<u>ROAD/BRIDGE FUND:</u>			
Ameritas Life Insurance Company	Ret		1,606.20
Blue Cross/Blue Shield of Nebraska	Insur		9,807.63
Farm Plan	Parts		957.75
Gambles	Sup, Tools		144.73
Geneva State Bank	SS		1,794.57
Ralph Gould	Ret		18.00
Grafton Mini Mart	Fuel		120.54
Hireright Solutions, Inc.	Ser		89.70
Donovan Jirkovsky	Ret		25.00
Kabredlo's Inc.	Fuel		44.46
Kerry's Auto Repair & Service	Rep		12.00
L. J. Webb Contractor, Inc.	Equip		700.00
Lichti Oil	Fuel		18,520.43
Marlborough	Sup		28.80
NMC Exchange, LLC	Parts		1,437.31
Nebraska Public Power District	Uti		292.03
Newman Traffic Signs	Signs		296.16
Overland Sand & Gravel	Gravel		2,393.78
Perennial Public Power District	Uti		94.02
Shell Fleet Plus	Fuel		13.04
Speece Lewis Engineers	Ser		316.50
Titan Access Account	Parts		411.74
Village of Ohioa	Uti		20.00
Payroll	Salaries		24,399.22
<u>JUVENILE DIVERSION FUND:</u>			
Dave Wythers	Ser, Mile, Uti		1,155.00
<u>ECONOMIC DEVELOPMENT – TOURISM:</u>			
Naimon Enterprises	Ser		20.00
<u>INSTITUTIONS:</u>			
State of Nebraska Health & Human Serv.	March Patient Care		93.00
<u>SENIOR SERVICES FUND:</u>			
Ameritas Life Insurance Corp.	Ret		133.70
Blue Cross/Blue Shield of Nebraska	Insur		934.06
The CIMA Companies, Inc.	Insur		1,123.60
Exeter Senior Center	USDA		43.32
Fairmont Aging Services	USDA		174.42
Geneva Senior Center	USDA		625.29
Geneva State Bank	SS		169.47
Shell Fleet Plus	Fuel		1.90
Payroll	Salaries		2,231.63
<u>INHERITANCE TAX FUND:</u>			
Fillmore County Treasurer	Transfer		10,000.00
<u>COURTHOUSE BOND FUND:</u>			
UMB Bank, NA	Interest		12,301.25
<u>ROAD BOND FUND:</u>			
UMB Bank, NA	Interest		8,641.25
<u>NOXIOUS WEED FUND:</u>			
Ameritas Life Insurance Corp	Ret		67.51
Merlin Ehmen	Ret		22.00
Geneva State Bank	SS		76.51
Payroll	Salaries		1,000.10
<u>E911 COMMUNICATIONS FUND:</u>			
Windstream	Uti		117.84

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

NOXIOUS WEED BOARD

Mueller moved and Capek seconded the motion to appoint Leonard Oldehoeft to Noxious Weed Board to replace Gary Richards beginning May 1, 2009 and ending December 31, 2012. 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.

ADJOURNMENT

As there were no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:10 a.m., May 12, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:12 a.m., May 12, 2009, 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. 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 April 28, 2009 Board meeting as presented.

FEE REPORTS

Mueller moved and Galusha seconded the motion to approve the fee reports for April 2009:

County Clerk: \$5,762.36 (State \$2,813.54 & County \$2,938.82)

Sheriff: \$2,124.41

Clerk of District Court: \$703.85

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

WITHDRAWING PLEDGE SECURITY

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

RESOLUTION 2009-12

RESOLVED, that the Geneva State Bank of Geneva, Nebraska, be allowed to withdraw the following security held by Wells Fargo Bank, N.A. to-wit:

Cusip #362617CL4 in the amount of \$155,000.00

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

ADDING PLEDGE SECURITY

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

RESOLUTION 2009-13

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

Cusip #486894HQ4 in the amount of \$50,000.00

Cusip #384421AB9 in the amount of \$45,000.00

Cusip #384421AA1 in the amount of \$40,000.00

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

DRIVEWAY PERMITS

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

Robert Kohler – install a new 40' driveway on the west side of the SW ¼, Section 27-7-1, Liberty Township;

Ted Marek – widen existing driveway & install a new driveway on the north side of the NE ¼, Section 5-7-1, Liberty Township;

Ben Horne – install a new driveway on the east side of the SE ¼, Section 33-8-1, Exeter Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRAINAGE IN MADISON TOWNSHIP

After discussion the Board agreed to have Larry Lewis apply with the Corps of Engineers to change the natural drainage in Section 22, Madison Township. The Road's department will clean the ditches in this area in the next couple of weeks. Kent Theobald, Gene and Marlene Buerer were present for this discussion.

POLE SHED

After discussion, the Board will have a pole shed letting at the June 23rd board meeting to be placed at the Road's Department in Geneva for storage for the Road's Department and Noxious Weed Department.

ENGINEERING STUDY

After discussion, Simacek moved and Kimbrough directed the Highway Superintendent to do an Engineering study for a stop sign at the intersection of Road U and Road 11. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

POSTAGE MACHINE

Brian Cochran with Midwest Mailing gave a presentation to the Board regarding a Hasler IM460 postage machine. Also received quotes from Business Office Systems for the same machine.

After discussion, Cerny moved and Mueller seconded the motion to allow the County Clerk to sign the lease with Midwest Mailing for an IM460 postage machine for a three year lease. Upon roll call, the vote was as follows:

Ayes: Galusha, Yates, Simacek, Kimbrough, Cerny, 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 Ach	Rent, Post, Sup, Wksh, Lodging	3,431.60
Ameritas Life Insurance Corp.	Ret	2,754.10
Axis Capital, Inc.	Ser	243.32
Bear Graphics, Inc.	Sup	103.84
Black Hills Energy	Uti	753.41
Bottorf & Maser, Atty.	Ser, Mile	203.75
Century Lumber Center	Sup	55.53
City of Geneva	Uti	148.90
Constellation Energy	Uti	84.49
Douglas County Court	Ser	2.00
Duckwall – Alco Stores, Inc.	Sup	70.87
Eakes Office Plus	Sup	1,406.60
Earls Window Service	Ser	5.00
Executive Copier Service	Sup	97.60
F & S Supply Co., Inc.	Sup	174.29
Fillmore County Hospital	Ser	50.00
First Concord Benefits Group, LLC	Ser, Deduct	1,784.51
The Garbage Co., Inc.	Ser	161.63
Geneva Welding & Supply, Inc.	Sup	30.00
Geneva State Bank	SS	2,903.06
Hometown Leasing	Ser	704.65
Jefferson County Sheriff	Ser	32.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,731.80
Lafayette Life Insurance Co.	Insur	146.95
Lancaster County Sheriff	Ser	12.90
Lease Consultants Corp.	Ser	249.00
Mid-American Research Chemical	Sup	105.21
MIPS, Inc.	Ser	2,832.52

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NE Criminal Defense Attorney's Assoc.	Wksh	210.00
The Nebraska Signal	Proc, Ads	942.37
Nick's Farm Store Co.	Sup	5.26
Plains Power & Equipment Co.	Sup	31.00
Platte County Sheriff	Ser	5.00
Platte Valley Communications of Hastings	Equip, Sup	556.72
Quality Inn & Suites	Lodging	66.95
Ralph's Geneva Tire & Service	Tire, Rep	890.33
Ramada Inn	Lodging	126.00
Seiler & Parker, P.C.	Ser, Mile	426.50
Seward County Sheriff	Ser	14.28
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Crime Commission	Sup	14.00
State of Nebraska Public Health Env.	Ser	84.00
Thayer County Sheriff	Ser	46.00
University of Nebraska, Lincoln	Salary	1,461.72
Univ. of NE Center Applied Rural Innov.	Wksh	30.00
Univ. of NE – 4-H Youth Development	Sup	15.00
Univ. of NE Schmid Law Library	Sup	7.50
Univ. of NE Southeast Research & Ext.	Equip	1,111.52
UN-L IS-Telecommunications	Uti	19.92
Windstream	Uti	229.38
York County Court	Ser	2.25
York County Sheriff	Ser	55.44
Payroll	Salaries	40,154.42

ROAD/BRIDGE FUND:

Alltel	Uti	86.97
Ameritas Life Insurance Corp.	Ret	1,605.47
Auto Value Parts Stores	Parts, Sup	62.52
Black Hills Energy	Uti	425.88
City of Geneva	Uti	63.40
Casey's General Store	Fuel	319.88
Century Lumber Center	Parts, Sup	192.04
Conney Safety Products	Sup	60.90
Dorchester Farmers Coop	Fuel	184.24
Fillmore County Shop	Post, Misc.	33.66
Filter Care of Nebraska	Parts	145.25
The Garbage Company	Ser	78.76
Geneva Implement	Parts	424.27
Geneva State Bank	SS	1,794.26
Geneva Welding & Supply, Inc.	Parts, Sup	189.72
Grafton Oil	Fuel, Sup	2,526.34
Jill's Sweet Shop	Misc.	22.50
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Sup, Parts	4,447.43
M.E. Collins	Ser	81,956.70
Michl Service	Fuel	46.00
Midwest Steel Fabricators	Parts	18.14
Newman Traffic Signs	Sup	198.88
Nichols Construction	Gravel	12,208.19
Nick's Farm Store	Rep	27.58
Perennial Public Power District	Uti	42.00
Power Plan	Parts	378.71
Ralph's Geneva Tire & Service	Rep	37.35
Roit Repair	Rep	28.75
Shell Fleet Plus	Fuel	1,826.18
Speece Lewis Engineers	Ser	8,696.81
Superior Deshler, Inc.	Fuel	35.68
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	27.54
Village of Grafton	Uti	21.07
Payroll	Salaries	24,395.22

ECONOMIC DEVELOPMENT – TOURISM FUND:

FMZ Association	Misc.	1,000.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.70
Janet Bartak	Mile	50.60
Dawg's Smokehouse Café	HDM	299.00
Judy Dondlinger	Ser	144.00
Eakes Office Plus	Sup	54.56
Exeter Care Center	HDM	390.00
Geneva Senior Center	Rent	35.00
Geneva State Bank	SS	171.60
Susan Kerl	Ser	135.00
Jeannine Krejci	Ser	168.00
Lafayette Life Insurance Company	Insur	9.00

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Elizabeth Mattox Manning	Ser	84.00
Brenda Motis	Mile, Sup, Meals	187.52
Ron's Tavern	HDM	130.00
JoAnn Vavra	Ser	156.00
Windstream	Uti	98.62
Payroll	Salaries	2,259.50
<u>FRIENDS OF THE COURTHOUSE FUND:</u>		
Barb Nunns	Ser	450.00
<u>INHERITANCE TAX FUND:</u>		
Plains Tree Farm, Inc.	Trees, Ser	4,200.00
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	April taxes	25,629.14
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	38.21
Ameritas Life Insurance Corp.	Ret	73.98
Shane Bristol	Rep	294.14
City of Geneva	Uti	2.66
Geneva State Bank	SS	83.84
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	112.00
NE Leafy Spurge Working Task Force	Dues	6.00
The Nebraska Signal	Ads	193.20
Ralph's Geneva Tire	Rep	95.79
Payroll	Salaries	1,096.00

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

PURCHASE CARD

After discussion, Kimbrough moved and Cerny seconded the motion to approve and sign the purchase card agreement with U.S. Bank for a credit card for the County. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

KEYSTONE XL PIPELINE

Mel Taylor, Judy & Roger Rada, William & Ellen Panec, and County Attorney Jill Cunningham were present for discussion regarding the Keystone XL pipeline that is routed to go through Fillmore County. William Panec discussed with the Board to participate in the National Environmental Policy Act (NEPA) process as joint lead or cooperating agency.

After discussion, Cerny moved and Galusha seconded the motion to participate in the NEPA process as joint lead or cooperating agency by submitting a letter to U.S. Department of State in Washington, DC. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

As there were no other items to come before the Board, Kimbrough moved and Simacek seconded the motion to adjourn until 9:00 a.m., May 26, 2009. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, Galusha, 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., May 26, 2009, 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. Tracy Bauer attended the meeting as part of the Odegeo Leadership project.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 11:35 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the May 12, 2009 Board meeting as presented.

BLUE VALLEY COMMUNITY ACTION

Rick Nation and Lisa Epp with Blue Valley Community Action presented the annual report and budget request for 2009-2010. The budget request is \$4,007.00 which is \$86.00 more than 2008-2009. This request will be discussed later this summer.

ALPHANUMERIC PLATES

After discussion, the Board agreed to keep the County prefix license plates.

DRIVEWAY PERMIT

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

Galen Niederklein – install a new 40' driveway on the east side of the NE ¼, Section 23-5-1, Franklin Township.

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.

OCCUPY COUNTY RIGHT-OF-WAY

Kimbrough moved and Cerny seconded the motion to approve the following applications to occupy county right-of-way:

Windstream Communications – to bury communication line between Section 19 and Section 30-7-1, Liberty 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.

GENEVA TOWNSHIP

Joe Hoarty, James Oberlander, and Larry Biester were present to discuss the interlocal agreement with Geneva Township and the County to maintain their township roads.

After discussion, Cerny moved and Mueller seconded the motion to approve the interlocal agreement beginning July 1, 2009 and ending June 30, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

REMOVING YIELD SIGN

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

RESOLUTION 2009-14

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 locations:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
Remove YIELD sign	at the intersection of County Road 11 and County Road U, sign to be removed on the south side of the intersection.

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this resolution is approved the 26th day of May, 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.

STOP SIGN

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

RESOLUTION 2009-15

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 locations:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the intersection of County Road 11 and County Road U, signs to be placed on the north and south sides of the intersection.

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this resolution is approved the 26th day of May, 2009.

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.

EXECUTIVE SESSION

Simacek moved and Galusha seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session personnel items authorized by Statute to be discussed in executive 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 Highway Superintendent and the County Clerk remain. Executive session began at 10:03 a.m.

RETURN TO REGULAR SESSION

Cerny moved and Mueller seconded the motion to return to open session at 10:09 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.

INSURANCE DEDUCTIBLE

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After discussion, Simacek moved and Mueller seconded the motion to keep the Blue Cross Blue Shield of Nebraska insurance deductible at \$1,500.00 with employee's deductible at \$500.00 and County will pick-up the remaining \$1,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BUFFALO COUNTY CLAIM

After discussion, Cerny moved and Mueller seconded the motion to deny the general assistance claim that was submitted from Buffalo County. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CHANEY SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Chaney Subdivision, located in the SW ¼, NW ¼, Section 11-6-2, Chelsea Township.

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

A tract of land comprising a part of the NW ¼ of Section 11, Township 6 North, Range 2 West of the 6th P.M., Fillmore County, Nebraska, described as follows: commencing at the SW corner of said NW ¼, and assuming the east line of the said NW ¼ to have a bearing of N00°13'35"E, thence N00°13'35"E, and on the east line of said NW ¼, 190.24 feet to the point of beginning, said point being a ¾" rebar w/cap on the east line of said NW ¼; thence N00°13'35"E, and on the east line of said NW ¼, 247.89 feet to a ¾" rebar w/cap on the east line of said NW ¼; thence N89°47'10"E, 357.39 feet to a ¾" rebar w/cap; thence S72°54'06"E, 240.53 feet to a ¾" rebar w/cap; thence S00°18'15"W, 155.05 feet to a ¾" rebar w/cap; thence S87°42'49"W, 587.91 feet to a point of beginning and containing 3.01 acres more or less of which 0.19 of an acre more or less is occupies by county road R.O.W.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CHANEY 1ST SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Chaney 1st Subdivision, located in the SW ¼, NW ¼, Section 11-6-2, Chelsea Township.

Mueller moved and Simacek seconded the motion to approve the plat for the Chaney 1st Subdivision as follows:

A tract of land comprising a part of the NW ¼ of Section 11, Township 6 North, Range 2 West of the 6th P.M., Fillmore County, Nebraska, described as follows: beginning at the SW corner of the said NW ¼, and assuming the west line of said NW ¼ to have a bearing of N-00°13'35"E, thence N00°13'35"E and on the west line of said NW ¼, 190.24 feet, to a ¾" rebar w/cap, said cap being the SW corner of Chaney Subdivision; thence N87°42'49"E, and on the south line of said Chaney Subdivision, 587.91 feet to a ¾" rebar w/cap; thence N00°18'15"E, and on the east line of said Chaney Subdivision; 155.05 feet to a ¾" rebar w/cap; thence S75°22'21"E, 46.17 feet to a ¾" rebar w/cap; thence S62°44'23"E, 274.36 feet to a ¾" rebar w/cap; thence s00°13'36"W, 235.02 feet to a ¾" rebar w/cap on the south line of said NW ¼; thence N89°45'52"W and on the south line of said NW ¼, 876.66 feet to the point of beginning and containing 4.78 acres more or less of which 0.14 of an acre more or less is occupied by county road R.O.W.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BRISTOL SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Bristol Subdivision located in the SE ¼ of the SE ¼ of Section 11-8-3, West Blue Township.

Galusha moved and Simacek seconded the motion to approve the plat for the Bristol Subdivision as follows:

A tract of land comprising a part of the SE ¼ of Section 11, Township 8 North, Range 3 West of the 6th P.M., Fillmore County, Nebraska, more particularly described as follows: beginning at the SE corner of said SE ¼, and assuming the south line of the SE ¼ to have a bearing of S89°40'32"W, thence S89°40'32"W, and on the south line of said SE ¼, 410.76 feet to a ¾" rebar w/cap; thence N00°11'23"W and parallel with the east line of said SE ¼, 397.00 feet to a ¾" rebar w/cap; thence N89°47'32"E, 410.76 feet to a ¾" rebar w/cap on the east line of said SE ¼; thence S00°11'23"E and on the east line of said SE ¼, 396.16 feet to the point of beginning and containing 3.74 acres more or less of which 0.58 of an acre more or less is occupied by county road R.O.W.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

VETERAN’S SERVICE BOARD

Simacek moved and Mueller seconded the motion to reappoint Dale Stengel to the Veteran’s Service Board for a five year term beginning July 1, 2009 and ending June 30, 2014. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

VISITOR’S COMMITTEE

Cerny moved and Galusha seconded the motion to reappoint Scott Oliva and Mike VanHoosen to the Visitor’s Committee for a four year term beginning June 1, 2009 and ending May 31, 2013. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SAFETY COMMITTEE

Mueller moved and Cerny seconded the motion to appoint Todd Boller to the Safety Committee to fill Merlin Ehmen’s term ending December 31, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CHILD SUPPORT ENFORCEMENT CONTRACT

After discussion, Mueller moved and Simacek seconded the motion to approve and sign the Child Support Enforcement contract with Stephen J. Kraviec beginning July 1, 2009 and ending June 30, 2010 in the amount of \$20,095.00 a year, which is the same as last year. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PROBATION BUDGET REQUEST

John McCarty, Jr. Chief Probation Officer with District #1 probation office submitted the budget request for 2009/2010 in the amount of \$3,014.30, which is \$203.80 higher than last year. Budget request will be addressed later this summer.

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	417.45
Ameritas Life Insurance Corp.	Ret	2,725.98
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	523.19
Blue Cross Blue Shield of Nebraska	Insur	14,944.96
William L. Burgess	Uni, Meals, Post	60.83
Daryl L. Callenius	Uni, Meals, Post	122.11

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Chaney Chemical, Inc.	Sup	405.00
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	38.00
Erdkamp Motors	Main	36.00
Fillmore County Treasurer	Transfers, Post, Fees	419,975.76
Galls – An Aramark Co.	Sup	171.96
Gambles	Sup	139.76
Geneva State Bank	SS	2,859.98
Geneva Super Foods	Sup	391.30
GIS Workshop	Ser, Main	27,750.00
Norma Gregory	Ret	25.00
Robert Hester	Uni	35.00
Hilty's	Sup	10.10
Jim's Repair	Main	34.75
Steve Julich	Uni, Post	41.75
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,680.23
Kerry's Auto Repair & Service	Rep	62.84
Stephen J. Kraviec	Ser, Post	1,700.11
Lancaster County Sheriff	Ser	48.48
Lawson Products	Sup	23.12
Ann H. McDonald	Ret	18.00
Mid-American Research Chemical	Sup	196.56
MIPS, Inc.	Ser	44.70
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Fire Sprinkler Corp.	Ser	373.00
Nebraska Public Power District	Uti	929.09
Nichols Collision Center	Rep	50.00
Nebraska County Attorneys Association	Dues, Wksh	757.00
Lyndsey Pohlmeier	Mile	33.00
Quality Hotel & Convention Center	Lodging, Meals	190.74
Steven G. Roemmich	Uni	35.00
Saline County Sheriff	Ser	45.00
Secretary of State	Ser	20.00
Shell Fleet Plus	Fuel	1,567.83
State of Nebraska AS Central Finance	Ser	58.13
State of Nebraska Dept. Correctional Svcs	Boarding Prisoners	3,344.13
State of Nebraska Dept. Motor Vehicle	Ser	8.00
Chad Summers	Uni	35.00
Barbara Trapp	Sup	16.99
Brandy VanDeWalle	Meals, Mile	71.73
Daniel L. Werner, P.C., L.L.O.	Ser, Mile	881.51
West Payment Center	Sup	138.30
Eric Williams	Mile, Post	148.20
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,175.70
York County Sheriff	Ser	15.50
Payroll	Salaries	40,154.42
<u>ROAD/BRIDGE FUND:</u>		
Ameritas Life Insurance Corp.	Ret	1,607.31
Blue Cross Blue Shield of Nebraska	Insur	9,807.63
Farm Plan	Part, Sup, Rep	205.56
Fastenal Company	Sup	43.40
Gambles	Parts, Rep, Sup	96.48
Geneva State Bank	SS	1,811.94
Ralph Gould	Ret	18.00
Donovan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Rep	12.00
Lawson Products, Inc.	Sup	89.73
Lichti Oil	Fuel	4,106.37
Metal Culverts	Culverts	14,873.70
NMC Exchange, LLC	Parts	760.57
Nebraska Public Power	Uti	249.70
Perennial Public Power	Uti, Moving lines	13,437.01
Road Builders	Parts	327.18
Speece Lewis Engineers	Ser	1,952.00
Windstream	Uti	144.52
Payroll	Salaries	24,395.22
<u>MEDICAL/RELIEF FUND:</u>		
Wyuka Funeral Home	Ser	1,485.00
<u>INSTITUTIONS FUND:</u>		
State of Nebraska Health & Human Svcs	April Patient care	90.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.70
Blue Cross Blue Shield of Nebraska	Insur	934.06

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Judy Dondlinger	Ser	84.00
Exeter Senior Center	USDA	45.60
Fairmont Aging Services	USDA	218.31
Fillmore County Treasurer	Post	168.00
Geneva Senior Center	USDA	649.23
Geneva State Bank	SS	170.54
Shell Fleet Plus	Fuel	33.50
Rhonda Stokebrand	Mile	55.28
Payroll	Salaries	2,259.50
<u>INHERITANCE TAX FUND:</u>		
Dennis Heil Roofing & Siding	Rep	13,630.00
Univ. of NE Statewide Arboretum	Ser	225.00
<u>NOXIOUS WEED FUND:</u>		
Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	467.03
Chaney Chemical, Inc.	Sup	20,333.14
Geneva State Bank	SS	83.84
Payroll	Salaries	1,096.00
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	118.08
Windstream	Uti	1,005.90

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

GENERAL ASSISTANCE 2009-2

After discussion, Kimbrough moved and Cerny seconded the motion to deny the general assistance claim and refer them to Blue Valley Community Action and 211. 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 "Distribution of Fish & Wildlife money" will be discussed at the next 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., June 9, 2009. 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 9:17 a.m., June 9, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Mueller left the meeting at 11:25 and Cerny left at 2:18 p.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:46 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the May 26, 2009 Board meeting as presented.

FEE REPORTS

Kimbrough moved and Capek seconded the motion to approve the fee reports for May 2009:

County Clerk: \$4,906.41 (State \$2,074.77 & County \$2,831.64)

Sheriff: \$1,425.36

Clerk of District Court: \$414.85

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.

DRIVEWAY PERMIT

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

Bumgarner Land & Cattle Co. – remove one driveway and install two new 40' driveways on the west side of the SW ¼, Section 36-6-3, Stanton Township.

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.

CLEAN SILT PERMIT

Cerny moved and Kimbrough seconded the motion to approve the following application for a clean silt permit:

Duane Ellermeier – clean silt along the south side of the SW ¼, Section 36-5-3, Hamilton 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

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

Windstream Communications – to repair communication line on the North side of Section 28-5-2, Belle Prairie 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: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

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 to occupy county right-of-way:

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the NE ¼, Section 25-8-2, Fairmont Township and the NW ¼, Section 30-8-1, Exeter Township. TransCanada Keystone Pipeline, 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.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SW ¼, Section 30 and NW ¼, Section 31-8-1, Exeter Township. TransCanada Keystone Pipeline, 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.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SE ¼, Section 23 and SW ¼, Section 24-7-1, Liberty Township. TransCanada Keystone Pipeline, 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.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SW ¼, Section 24 and NW ¼, Section 25-7-1, Liberty Township. TransCanada Keystone Pipeline, 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: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha
Nays: None

The Chairman declared the motion carried.

DRAINAGE ISSUE GRAFTON TOWNSHIP

Received a letter from Baird & Griess Attorneys regarding drainage issue on the north side of the NE ¼, Section 18-8-4, Grafton Township.

After reading letter, the Board directed the letter be turned over to the County Attorney.

HORTON CEMETERY

Received letter from Richard Horton regarding the Horton Cemetery located in Section 2-8-2, Fairmont Township.

After reading the letter, reviewing the pictures, and talking to Assistant Highway Superintendent, Jerry Lukes regarding maintenance of the property the Board directed the County Clerk to draft a letter back to Mr. Horton addressing his concerns. Currently the fence is being repaired, it is being mowed at least twice a year, not burning every year, and stones were down prior to mowing.

PURE WATER PRESENTATION

Josh Springer with Quality Sound & Water presented to the Board a pure water cooler that could be placed in the Courthouse for \$49.00 a month for a five year period. After discussion, the Board did not feel that this was needed at this time.

INTERLOCAL AGREEMENT FOR DRUG COURT

Christina Lyons, Drug Court Coordinator with the Southeast Nebraska Drug Court presented the 2009 – 2010 Interlocal Agreement for drug court and budget request of \$1,326.93, which is \$919.51 less than 2008-2009.

After discussion, Kimbrough moved and Mueller seconded the motion to approve the interlocal agreement between Gage, Jefferson, and Saline counties for the Southeast Nebraska Adult Drug Court beginning July 1, 2009 and ending June 30, 2010 in the amount of \$1,326.93. 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, Atty.	Rent, Post, Meals, Mile	3,665.02
Ameritas Life Insurance Corp.	Ret	2,801.11
Jon Anderson	Uni, Misc.	205.00
Black Hills Energy	Uti	80.42
Blue Cross Blue Shield of Nebraska	Insur	14,477.93
William L. Burgess	Uni, Meals, Misc, Uti	296.38
Daryl L. Callenius	Uni, Misc.	205.00
Central Nebraska Refrigeration, Inc.	Rep	1,761.37
City of Geneva	Uti	141.90
Constellation Energy	Uti	8.80
Jill R. Cunningham	Mile	121.55
Dell Marketing, L.P.	Sup	499.86
Eakes Office Plus	Sup, Equip	2,843.41
Earls Window Service	Ser	5.00
Executive Copier Services	Ser	79.32
Fillmore County Clerk	Misc	10.00
Fillmore County Treasurer	Transfer, Post	223,949.02
First Concord Benefits Group, LLC	Ser	210.00
Jerry Galusha	Mile	222.55
Geneva State Bank	SS	2,950.39
Geneva TV & Appliance, Inc.	Sup	30.00
Geneva Welding & Supply, Inc.	Rep	98.50
Robert Hester	Uni, Misc, Post	141.75
Hometown Leasing	Ser	535.31
Steve Julich	Uni, Misc	205.00
JS Wurm & Associates	Ser	110.20
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,204.00
Galen Kuska	Mile	35.20
Lehman Reporting Services	Ser	58.55
MIPS, Inc.	Ser, Software	3,522.52
Murphy Plumbing & Heating, Inc.	Rep	136.00
The Nebraska Signal	Ads, Pro, Sup	613.26
Nick's Farm Store Co.	Equip	350.00
Galen Niederklein	Mile	72.60
O'Keefe Elevator Company, Inc.	Main	222.76
Omaha World Herald	Sup	197.60
Patrice's Specialties, Inc.	Sup	84.00
Platte County Sheriff	Ser	16.00
Polk County Sheriff's Office	Ser	5.50
Ralph's Geneva Tire & Service Center, Inc.	Rep, Main	464.24
Redfield & Company, Inc.	Sup	228.00
Steven G. Roemmich	Uni, Misc	205.00
State of Nebraska AS Central Finance	Ser	448.00
Chad Summers	Uni, Misc	205.00
Text & Data Technologies, Inc.	Ser	1,000.00
Tyler Graphics Services, Inc.	Sup	351.32
University of Nebraska – Lincoln	Salary	1,913.88
UN-L IS-Telecommunications	Uti	14.86
Wallingford Signs Co., Inc.	Sup	171.40
Windstream	Uti	229.48
Wingate Inn	Lodging	613.55
Lynn Yates	Mile	13.20
Payroll	Salaries	40,779.56

ROAD/BRIDGE FUND:

Action Auto Supply	Sup	16.62
Alltel	Uti	86.97
Ameritas Life Insurance Corp.	Ret	1,593.01
Auto Value Parts Stores	Parts, Sup	225.29
B's Enterprises	Sup	1,040.00
B & J Automotive	Rep	168.75
Black Hills Energy	Uti	104.62
Casey's General Store	Fuel	48.00
Century Lumber Center	Parts Sup	52.24
City of Geneva	Uti	57.00
Fillmore County Shop	Post, Parts	31.28
Filter Care of Nebraska	Parts	112.50
Geneva State Bank	SS	1,783.22
Geneva Super Foods	Sup	30.45
Geneva Welding & Supply, Inc.	Parts, Rep	206.21
Grafton Mini Mart	Fuel	77.40
Grafton Oil	Sup	1,399.20
Elmer Hessheimer	Equip, Sup	266.91
Kamler's Garage	Rep, Rental	326.08
Kerry's Auto Repair & Service	Rep	24.00
Lichti Oil	Fuel, Parts	6,968.52
Lumbermen's Brick & Supply	Silt Fence	753.00
Marlborough	Sup	38.00

		June 9, 2009
M. E. Collins	Chelsea project	17,896.04
Mike's Radiator & Tire	Rep	15.00
Momar	Sup	233.11
Nebraska Iowa Industrial Fasteners	Sup	348.05
Newman Traffic Signs	Sup	623.18
Nichols Construction	Gravel	54,816.38
Perennial Public Power	Uti	30.05
Power Plan	Parts	798.20
R & D Parts	Sup	24.06
Ralph's Geneva Tire & Service	Tires	3,300.00
Roit Repair	Rep	24.80
Shell Fleet Plus	Fuel	1,938.85
Superior Deshler, Inc.	Fuel	102.08
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	24,251.22
<u>JUVENILE DIVERSION FUND:</u>		
Dave Wythers	Ser, Uti	2,490.00
<u>ECONOMIC DEVELOPMENT- TOURISM:</u>		
Fillmore County Development Corp.	Ser	2,498.75
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.70
Janet Bartak	Mile	264.00
Dawg's Smokehouse Café	HDM's	195.00
Eakes Office Plus	Sup	79.98
Exeter Care Center	HDM's	395.00
Geneva Senior Center	Rent	35.00
Geneva State Bank	SS	173.74
Hometown Leasing	Ser	169.94
Susan Kerl	Ser	120.00
Elizabeth Mattox Manning	Ser	120.00
Brenda Motis	Mile	51.15
Ron's Tavern	HDM's	115.00
Windstream	Uti	82.55
Payroll	Salaries	2,287.37
<u>ETHANOL PLANT ROAD BOND FUND:</u>		
UMB Bank, NA	Ser	287.38
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	May taxes	15,704.52
<u>NOXIOUS WEED FUND:</u>		
Action Auto Supply	Sup	40.59
Alltel	Uti	38.21
Ameritas Life Insurance Corp.	Ret	81.38
Century Lumber Center	Sup	4.35
City of Geneva	Uti	12.40
Eakes Office Plus	Sup	68.63
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	272.19
Geneva Welding & Supply, Inc.	Rep	12.00
Grafton Mini Mart	Fuel	108.01
Kerry's Auto Repair & Service	Rep	64.29
Nebraska Weed Control Assoc.-Region 4	Dues	15.00
Ralph's Geneva Tire & Service Center, Inc.	Rep	3.47
Payroll	Salaries	3,562.95

CLAIMS APPROVED

Cerny moved and Capek 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.

FISH & WILDLIFE REVENUE

After discussion with County Treasurer, Barbara Trapp Cerny moved and Galusha seconded the motion to disburse the revenue from Fish & Wildlife as follows 10% to schools, 40% to Roads, and 50% split equally to the five townships that lost revenue (Grafton, West Blue, Momence, Hamilton, and Bryant). 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.

SEND

Southeast Nebraska Development District (SEND) submitted a budget request for 2009-2010 of \$7,303.00 which is \$133.00 higher than 2008-2009 fiscal year request. This request will be addressed during the budget process later this summer.

TOWER REPAIR

The Board received two proposals for replacing shingles on the Courthouse tower for budgeting purposes, both proposals were over \$50,000.00. The Board will be advertising for official bids at a later date.

KEYSTONE XL PIPELINE

Mel Taylor, William Panec, and Ellen Panec presented a list of concerns that the landowners in Fillmore County have regarding the Keystone XL pipeline.

After discussion, Simacek moved and Galusha seconded the motion to send a letter to United States Department of State with the list of concerns from Fillmore County landowners regarding the Keystone XL pipeline. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

RESCIND FISH & WILDLIFE MOTION

After discussion with County Treasurer Barbara Trapp, Cerny moved and Galusha seconded the motion to rescind the motion regarding the distribution of the Fish & Wildlife revenue. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

FISH & WILDLIFE REVENUE

Cerny moved and Kimbrough seconded the motion to disburse the revenue from Fish & Wildlife as follows 10% to Schools, 40% to Roads, and 50% to the townships that lost revenue based on the percentage of acres in each township (Bennett, Bryant, Fairmont, Geneva, Grafton, Hamilton, Momence, and West Blue). Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADDING PLEDGE SECURITY

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

RESOLUTION 2009-16

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

CUSIP #119501DT8 in the amount of \$50,000.00

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADDENDUM FOR CHILD SUPPORT SERVICES

After discussion Galusha moved and Capek seconded the motion to approve and sign Addendum #1 for Cooperative Reimbursement Agreement for Child Support Services. This will allow the County to use a portion of the incentive funds as part of their county match. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items “Trapping in County ROW, Salary Committee report, and budget assistance” were tabled until the next 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., June 23, 2009. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, 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 9:10 a.m., June 23, 2009, 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. 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, USDA will not be present today. 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 2:23 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the June 9, 2009 Board meeting as presented.

HORTON CEMETERY

The Board received a letter from Richard Horton in response to the letter the Board sent out after last Board meeting. After discussion with the Board and the County Sheriff they feel that this is due to deterioration and no further action will be taken.

DRIVEWAY PERMIT

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

Leonard Sluka – widen existing driveway to 40’ on the north side of the NE ¼, Section 19-6-1, Glengary 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.

SPEECE LEWIS CONTRACT CHELSEA TOWNSHIP

After discussion, Kimbrough moved and Cerny seconded the motion to approve the contract with Speece Lewis for “Observation of Construction” for the bridge project between Section 31-6-1, Glengary Township and Section 36-6-2, Chelsea Township at an hourly rate. 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.

SPEECE LEWIS CONTRACT GLENGARY TOWNSHIP

After discussion, Mueller moved and Capek seconded the motion to approve the contract with Speece Lewis for “Preliminary Plans” and “Observation of Construction” to remove a small county bridge and build a concrete box culvert between Sections 29 & 30-6-1, Glengary Township. The cost will be a lump sum of \$5,850.00 and then an additional \$550.00 per inlet and \$550.00 per outlet for the Preliminary Plans and then an hourly rate for the Observation of Construction. 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.

POLE SHED BIDS

Bids for pole shed were opened at 9:45 a.m. The following bids were received:

<u>Contractor:</u>	<u>Option #1</u>	<u>Option #2</u>
G & T Construction, Geneva	No Bid	No Bid
Biegert Construction, Geneva	\$43,865.00	\$48,935.00
Monroe Construction, Geneva	\$47,361.00 w/additional specs.	No Bid
Quality Builders, Sutton	\$60,175.00 w/additional specs.	\$64,175.00 w/additional specs.
Quality Builders, Sutton	\$55,680.00 w/additional specs.	\$59,680.00 w/additional specs.
Quality Builders, Sutton	\$56,700.00 w/additional specs.	\$60,700.00 w/additional specs.
Quality Builders, Sutton	\$53,950.00 w/additional specs.	\$57,950.00 w/additional specs.

POLE SHED LETTING

Kimbrough moved and Mueller seconded the motion to accept all bids and direct the Highway Superintendent to review and bring back recommendation to the Board. 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.

TRAPPING IN COUNTY RIGHT-OF-WAY

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

RESOLUTION 2009-17

WHEREAS, the Board of Supervisors of the County of Fillmore, Nebraska, pursuant to Neb. Rev. Stat. §39-1402 (Reissue 2008), provide the general supervision and control of the public roads in Fillmore County, Nebraska; and

WHEREAS, the State of Nebraska Legislature has passed 2009 Neb. Laws LB5, effective August 30, 2009 providing Fillmore County the authority to adopt a resolution having the force and effect of law to prohibit the trapping of wildlife in the county road right-of-way or in a certain area of the right-of-way as designated by the county; and

WHEREAS, a resolution prohibiting the trapping of wildlife in the county road right-of-way is deemed necessary as an exercise of Fillmore County's authority for the following purposes: to protect rural residents and landowners of Fillmore County who are routinely in and along county road right-of-way in the course of their daily activities; to protect members of the general public who have occasion to be in and along county road right-of-way in connection with their travels and other activities; to protect employees of both public and private entities (e.g. county road employees, county sheriff and staff, state patrol, game and parks, fire department, ambulance companies. Power and water districts, etc.), whose duties often require them to work in and along county road right-of-way; and to protect the livestock and domestic animals of rural Fillmore County residents.

WHEREAS, it may be necessary in the future to allow the trapping of nuisance wildlife in specific instances on Fillmore County road right-of-ways where wildlife may endanger the infrastructure of the county road system or bridges;

WHEREAS, that all violations of the provisions of this Resolution shall be punishable as provided in Nebr. Rev. Stat §37-248 (Reissue 2008).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Fillmore, Nebraska pursuant to the authority under Neb. Rev. Stat. §37-513, that trapping as defined in Neb. Rev. Stat. §37-243 (Reissue 2008), in and along the entire width of all county road right-of-way including roadside ditches adjacent to the traveled roadway, and beneath bridges within such county road right-of-way, is hereby expressly prohibited and declared to be unlawful.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the State of Nebraska Game & Parks Department and the Fillmore County Sheriff's Department for enforcement of this law.

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.

DRAINAGE IN GRAFTON TOWNSHIP

After discussion, Mueller moved and Cerny seconded the motion to direct the County Attorney's office to reply back to the landowners on the north side of the NE ¼, Section 18-8-4, Grafton Township in response to the letter received at the June 9th Board meeting. 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.

EMERGENCY DECLARED TO ADD ITEM TO AGENDA

At the request of the Highway Superintendent, Elmer Hessheimer, Mueller moved and Capek seconded the motion to declare an emergency in order to add an item to the agenda, said item "Bridge project located between Sections 1-12, Stanton Township. 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.

RIGHT-OF-WAY IN STANTON TOWNSHIP

After discussion, Kimbrough moved and Mueller seconded the motion to direct the Highway Superintendent to start the condemnation process to purchase right-of-way ground for the bridge project located

between Sections 1 & 12, Stanton Township and to work with Daniel Werner since County Attorney's office has a conflict of interest and if Mr. Werner will not assist to contact Don Bottorf. 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.

EXECUTIVE SESSION

Simacek moved and Mueller seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session personnel items authorized by Statute to be discussed in executive session. 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 and requested that the Highway Superintendent and the County Clerk remain. Executive session began at 10:22 a.m.

RETURN TO REGULAR SESSION

Kimbrough moved and Galusha seconded the motion to return to open session at 10:43 a.m. 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.

SEND

Norene Fitzgerald with Southeast Nebraska Development District (SEND) presented the annual report and submitted a budget request for 2009-2010 of \$7,303.00 which is \$133.00 higher than 2008-2009 fiscal year request. This request will be addressed during the budget process later this summer.

COMPREHENSION PLAN

Patt Lentfer, Fillmore County Development Corp. presented to the Board that the current comprehension plan was completed in 1999 and is due for an update. After discussion, the Board requested that Patt contact the Hanna Keelan to see what the cost would be to update this plan. She will also contact the other communities to see if they would be interested in assisting in the cost and she will contact the State to see if we can wait until the 2010 census is complete to have updated figures.

HOPE CRISIS CENTER

Carmen Hinman and Stacey McLaughlin presented the annual report and the budget request for 2009-2010 of \$2,142.00 which is an increase of \$62.00 from 2008-2009 budget request. This request will be addressed during the budget process later this summer.

KEYSTONE PIPELINE XL

William Panec presented an example of a letter that the "Landowners of Fairness" would like the Board to send to the Department of State. After discussion, the Board decided that they will not be sending a letter.

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	24.09
Alltel	Uti	423.60
Ameritas Life Insurance Corp.	Ret	3,099.51
Aramark Uniform Services, Inc.	Ser	689.46
Peggy Birky	Mile, Meal, Dues	240.98
Joseph N. Bixby DR	Ser	152.00
Blue Valley Community Action Partnership	4 th Qtr	4,559.25
Larry Cerny	Mile	418.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	193.26
Jill R. Cunningham	Mile	39.60
Duckwall - Alco Stores, Inc.	Sup	32.35
Dugan Business Forms	Sup	920.13
Eakes Office Plus	Sup, Equip	5,539.31

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Election Systems & Software, Inc.	Sup	1,046.10
Executive Copier Services	Sup	13.99
F & S Supply Co., Inc.	Sup	166.48
Fillmore County Clerk of District Court	Fees	149.00
Fillmore County Development Corp.	4 th Qtr	10,000.00
Fillmore County Hospital	Ser	50.00
First Concord Group, Inc.	Insur	1,180.93
Gambles	Sup	193.04
The Garbage Co., Inc.	Ser	161.63
Geneva State Bank	Ser, SS	3,536.24
Geneva Super Foods	Sup	339.77
Norma Gregory	Ret	25.00
Hilty's	Sup	123.68
Deborah B. Hoarty	Mile	69.30
Howard E. Johnson	Mile	95.70
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Dues, Misc.	3,237.74
Richard Kleinschmidt	Mile	8.80
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,010.00
Stephen J. Kraviec	Ser, Post	1,695.37
Lafayette Life Insurance Co.	Insur	164.95
Lifetime Products, Inc.	Sup	59.99
Lease Consultants Corp.	Ser	249.00
Annette Marget	Mile	52.80
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Software	545.00
Rich Mueller/Thomas Biegert	Rent	650.00
Naber's Repair Service	Sup	28.32
Nebraska Assoc. of County Extension	Dues	100.00
NE Floodplain & Stormwater Mngrs Assoc.	Wksh	10.00
Nebraska Public Power District	Uti	1,135.62
The Nebraska Signal	Sup	665.00
PC Nuts	Sup	51.00
Platte Valley Communications of Hastings	Rep	45.00
Hannele Plettner	Mile, Meal	69.68
Lyndsey Pohlmeier	Mile, Meal	99.19
Postmaster	Rent	690.00
Ramada Inn	Lodging	189.00
Seiler & Parker, P.C.	Ser	119.00
Seward County Sheriff	Ser	27.28
State of Nebraska AS Central Finance	Ser	58.14
State of Nebraska Dept. Correctional Svcs	Boarding Prisoner, Medical	2,640.27
Janice C. Stratman	Mile	75.90
Total Funds by Hasler	Post	700.00
Brandy VanDeWalle	Mile, Meal	71.37
Weaver Pharmacy	Misc.	9.20
Daniel L. Werner	Ser	498.75
Tim Wilbeck	Mile	17.60
Eric Williams	Mile	359.69
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,156.98
Wingate Inn	Lodging	149.90
Payroll	Salaries	47,181.20

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,608.17
Auto Glass Center	Parts, Rep	192.48
Dorchester Farmers Coop	Fuel	52.44
Fillmore County Shop	Post	34.39
Gambles	Sup	67.28
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,780.72
Ralph Gould	Ret	18.00
Elmer Hessheimer	Fuel	57.97
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	2,966.88
Metal Culverts	Culverts	12,043.53
NMC Exchange, LLC	Parts, Sup	2,807.94
National Sign Company, Inc.	Signs	2,239.00
Nebraska Public Power	Uti	203.34
Nichols Construction	Gravel	2,939.09
Postmaster	Rent	110.00
Speece Lewis Engineers	Fees	3,349.00
Titan Access Account	Parts	52.76
Village of Fairmont	Uti	16.69
Windstream	Uti	146.23
Payroll	Salaries	24,218.08

ECONOMIC DEVELOPMENT – TOURISM:

		June 23, 2009
Fillmore County Development Corp.	Mile, Sup, Misc.	384.06
Southeast Nebraska Development District	CDBG	212.06
SE Nebraska Visitor's Guide	Advertise	505.00
Superior Billboard Images	Sup	54.81
<u>INSTITUTION FUND:</u>		
State of Nebraska Health & Human Service	May Patient Care	93.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.70
Fillmore County Treasurer	Post	93.00
Geneva State Bank	SS	173.02
Lafayette Life Insurance Company	Insur	9.00
Payroll	Salaries	2,278.08
<u>INHERTANCE TAX FUND:</u>		
Gambles	Sup	101.75
Geneva Welding & Supply, Inc.	Sup	218.30
Hall's Sandblasting & Painting	Ser	380.00
<u>NOXIOUS WEED FUND:</u>		
Ace Agri Supply	Sup, Equip	1,059.14
Alltel	Uti	38.47
Ameritas Life Insurance Corp.	Ret	73.98
Merlin Ehmen	Ret	22.00
Gambles	Sup	41.49
Geneva Activity & Education Dept.	Misc	180.00
Geneva State Bank	SS	314.67
Grafton Mini Mart	Fuel	242.30
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	823.06
Payroll	Salaries	4,118.20
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	112.65
Windstream	Uti	1,002.01

CLAIMS APPROVED

Simacek moved and Capek 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.

BUDGET REVIEWS

Budget reviews with all department heads will be July 21, 2009, an agenda will be sent to each department head.

CHILD SUPPORT ENFORCEMENT CONTRACT FOR SUPPLEMENTAL SERVICES

Capek moved and Cerny seconded the motion to approve the Child Support Enforcement Contract for Supplemental Services with Stephen Kraviec for the amount of \$6,117.00. 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.

EMERGENCY PROTECTIVE CUSTODY SERVICES AGREEMENT

Kimbrough moved and Mueller seconded the motion to approve the agreement with Region V Systems for Emergency Protective Custody (EPC) beginning July 1, 2009 and ending June 30, 2010 at \$110.00 per day. 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.

NEBRASKA FIRE SPRINKLER

After discussion, Simacek moved and Cerny seconded the motion to approve Nebraska Fire Sprinkler to perform the ten (10) year dry sprinkler head test for \$945.00. 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.

LAUBER SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Lauber Subdivision, located in the NW ¼, SW ¼, Section 26-7-3, Geneva Township.

Kimbrough moved and Mueller seconded the motion to approve the plat for the Lauber Subdivision as follows:

A tract of land comprising a part of the SW ¼ of Section 26, Township 7 North, Range 3 West of the 6th P.M., Fillmore County, Nebraska, more particularly described as follows: beginning at the NW corner of the said SW ¼, and assuming the north line of the SW ¼ to have a bearing of S89°46'19"E, thence S89°46'19"E, and on the north line of said SW ¼, 635.60 feet to a ¾" rebar w/cap; thence S01°32'43"E, 49.17 feet to a ¾" rebar w/cap; thence S56°13'51"W, 257.70 feet to a ¾" rebar w/cap; thence S01°00'38"W, 165.85 feet to a ¾" rebar w/cap; thence S29°20'01"W, 187.68 feet to a ¾" rebar w/cap; thence S16°55'32"W, 154.86 feet to a ¾" rebar w/cap; thence S89°22'49"W, 284.84 feet to a ¾" rebar w/cap on the west line of said SW ¼; thence N00°10'29"E and on the west line of said SW ¼, 675.60 feet to the point of beginning and containing 6.55 acres more or less of which 0.51 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.

PURCHASE CARD AGREEMENT

After discussion, Cerny moved and Capek seconded the motion to approve the Purchase Card Agreement with the change from the County Attorney. 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.

PURCHASE CARD

After discussion, Mueller moved Galusha seconded the motion to set a \$500.00 maximum limit on all purchase cards, which can be raised if approved by the Department Head and to allow the County Clerk control of increasing limits. 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.

BUDGET ASSISTANCE

After discussion, Simacek moved and Capek seconded the motion to have Contryman Associates, P.C. to assist in preparing the budget, levy, and lid. 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.

SALARY RECOMMENDATION

The salary committee recommended that there be no raise due to the insurance increase of 4.7% per employee.

After discussion, Kimbrough moved and Capek seconded the motion to have a zero increase with the County covering the insurance increase. 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.

NIRMA INSURANCE

After discussion, Simacek moved and Galusha seconded the motion to have the County Treasurer pay NIRMA for the insurance for July 1, 2009 to June 30, 2010. Upon roll call, the vote was follows:

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

Nays: None Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

DEFICIT APPROPRIATION

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

RESOLUTION 2009-18

WHEREAS, all of the funds in the 2008-2009 budget for the County Attorney 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 2008-2009 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 \$4,193.74 be appropriated to the County Attorney budget from the unused funds in the Miscellaneous account of the General Fund Budget for 2008-2009 of said County.

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.

DEFICIT APPROPRIATION

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

RESOLUTION 2009-19

WHEREAS, all of the funds in the 2008-2009 budget for the Jail 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 2008-2009 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 \$8,528.08 be appropriated to the Jail budget from the unused funds in the Sheriff account of the General Fund Budget for 2008-2009 of said County.

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.

ADJOURNMENT

Agenda items "USDA annual report & budget request and Region V Community Human Services program" were tabled until a future Board meeting. As there were no other items to come before the Board, Capek moved and Simacek seconded the motion to adjourn until 9:00 a.m., July 14, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., July 14, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Mueller, Galusha, and Capek. Kimbrough absent, Yates left at 9:32 a.m. and returned at 10:45 a.m., and Galusha left at 11:30 a.m. During Yates absence Vice Chairman Capek presided. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:45 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the June 23, 2009 Board meeting as presented.

FEE REPORTS

Cerny moved and Simacek seconded the motion to approve the fee reports for June 2009:

County Clerk: \$9,062.95 (State \$5,113.85 & County \$3,949.10)

Sheriff: \$1,247.86

Clerk of District Court: \$1,810.47

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

REGION V SYSTEMS

Sandy Morrissey with Region V Systems presented an annual report for the Fillmore County Coalition. The Fillmore County Coalition received a \$13,000.00 grant this year so there will be no budget request for 2009-2010.

DRIVEWAY PERMIT

Simacek moved and Galusha seconded the motion to approve the following applications for driveway permit:

Blaine Richards – install two new 40' driveways on the north and east side of the NE ¼, Section 13-6-4, Momence Township.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

Kent Theobald – install an electrical line in the SE ¼, Section 5-7-2, Madison Township with no exception to the boring policy. 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: Cerny, Mueller, Galusha, Capek, and Yates

Nays: Simacek

The Chairman declared the motion carried.

FEDERAL AID TRANSPORTATION PROJECT

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

RESOLUTION 2009-20

The County Board of Supervisors of Fillmore County, having met on the 14th day of July, 2009, hereby authorize the County Board Chairperson to sign on behalf of the County, the Financial Management Systems Certification associated with Federal-aid projects.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

FINANCIAL MANAGEMENT OF FEDERAL AID TRANSPORTATION PROJECTS

Capek moved and Mueller seconded the motion to approve the "Financial Management Systems Certification" that Fillmore County will certify that the financial management systems and procedures used by them and meet all requirements set forth by the Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA), and are sufficient to satisfy all applicable financial management systems standards set forth in 49 CFR Part 18, Uniform Administrative Requirements for Grants & Cooperative Agreements to State & Local Governments, and all the requirements set out on the attachment to this certification document. The LPA's financial management system shall provide financial reporting, accounting records, internal control, budget control, allowable cost, and source documentation. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

POLICIES FOR FEDERAL AID PROJECTS

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

RESOLUTION 2009-21

WHEREAS, certain transportation facilities (roads, streets, bridges, trails, and others) in Fillmore County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and,

WHEREAS, Fillmore County desires to continue to participate in Federal-Aid transportation construction programs, and,

WHEREAS, The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds, and,

WHEREAS, Fillmore County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

WHEREAS, Fillmore County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Fillmore County being required to repay some or all of the federal funds expended for a project(s).

BE IT RESOLVED: The Fillmore County Board of Supervisors does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all state law and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

BE IT FURTHER RESOLVED: The Fillmore County Board of Supervisors does hereby designate the following as responsible for the management of the following process:

Consultant process: Responsible Charge (RC) Person

The National Environmental Policy Act (NEPA): Responsible Charge (RC) Person

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): Responsible Charge (RC) Person

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

PROJECT BRO-7030(30), GENEVA NORTHWEST

After discussion, Galusha moved and Simacek seconded the motion to approve and sign the agreement with the State of Nebraska, Department of Roads to receive 80% funding from a federal-aid bridge replacement,

5% state-aid and 15% county funds for project BRO-7030(30), Geneva northwest. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

POLE SHED LETTING

After discussion, Mueller moved and Cerny seconded the motion to accept the Highway Superintendent's recommendation and award the Pole Shed Building letting to Biegert Construction with option #1 in the amount of \$43,865.00. Upon the roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BILLBOARD ON HWY 81

Mueller moved and Cerny seconded the motion to approve \$200.00 for the billboard on Hwy. 81 by Hebron. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

LAUBER SUBDIVISION

After discussion, Cerny moved and Galusha seconded the motion to approve the Lauber Subdivision with the correct notarization of Claiton Lauber's signature. Upon the roll call, the vote was as follows:

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

The Chairman declared the motion carried.

REGION V SYSTEMS AGREEMENT

After discussion, Simacek moved and Cerny seconded the introduction of the following resolution and sign the agreement:

RESOLUTION 2009-22

WHEREAS, Fillmore County is a party to the Amended and Restated Agreement for the Formation of the Region V Community Human Services Program (Region V Agreement); and

WHEREAS, the parties to the Region V Agreement now desire to amend the Agreement to update the statutory references in the Agreement to reflect changes in the state behavioral health laws and to allow Region V Systems to expand its scope of administrative services to contract with counties which desire to do so;

NOW THEREFORE, Fillmore County amends and adopts the Region V Agreement in the form attached hereto.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

USDA WILDLIFE SERVICES

Spencer Nelson with USDA Wildlife Services presented his annual report and budget request of \$7,487.00 for 2009-2010, which is an increase of \$147.00 from 2008-2009 budget request. Further action will be taken later this summer with all budget requests.

FILLMORE COUNTY DEVELOPMENT CORP

Patt Lentfer, Carol Vejraska, Jim Donovan, and Dick Schoenholz from the Fillmore County Development Corp. board presented the projects that they have done in 2008-2009 and new projects as well as the budget request of \$45,000.00, which is \$5,000.00 more than what was funded last year. Further action will be taken later this summer with all budget requests.

CASA

Amanda Miller and Frank Heinisch with Court Appointed Special Advocates (CASA) board presented the annual report and budget request of \$11,249.90 for 2009-2010, which is \$1,249.90 more than what was funded last year. Further action will be taken later this summer with all budget requests.

MOWER FOR CUSTODIAN

After discussion, Cerny moved and Capek seconded the motion to approve the purchase of a 2008 John Deere mower for \$3,079.00 for the custodian department. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SICK DAY BANK POLICY

After discussion, Mueller moved and Capek seconded the motion to add to the sick day bank policy the following: allow employees to apply with the sick day bank committee under special circumstances on a case by case basis to use more of the sick day bank with the sick day bank committee getting approval from the Board. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

RURAL TRANSIT

Crystal Norvell, Rural Transit Director informed the Board that there could be some stimulus money available for purchasing a new van at a 100% of the cost covered, application needs to be signed.

After discussion, Mueller moved and Cerny seconded the motion to approve and sign the vehicle application for Federal transit administration funding through the 2009 American Recovery & Reinvestment Act to be put on a waiting list. Upon roll call, the vote was as follows:

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

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	240.27
Howard Ach, Atty	Rent, Post, Uti, Sup	3,353.29
Lanny Ackerman	Mtgs, Mile	94.50
Ameritas Life Insurance Corp.	Ret	3,008.46
Andrews Electric Co., Inc.	Rep	411.40
Black Hills Energy	Uti	53.27
Blue Cross Blue Shield of Nebraska	Insur	17,685.76
Bottorf & Maser, Atty.	Ser	997.50
Business World Products	Sup	243.06
Century Lumber Center	Sup	61.06
City of Geneva	Uti	197.90
Clay County News	Ads	207.00
Comfort Inn	Lodging	140.00
Constellation Energy	Uti	2.64
Corner Stop	Fuel	172.86
Geraldine Daniels	Mile	68.20
Duckwall – Alco Stores, Inc.	Sup	64.66
Eakes Office Plus	Sup, Ser	1,389.86
Earls Window Service	Ser	10.00
Election Systems & Software, Inc.	Ser	15.00
Sharon Elznic	Mtgs, Mile	71.40
Erdkamp Motors	Main	36.00
Executive Copier Services	Sup	73.92
Jennifer L. Fakler	Ser	26.00
Fillmore County Clerk	Fees	12.00
Fillmore County Treasurer	Transfer, Insur	58,773.78
First Concord Benefits Group, LLC	Ser, Insur	2,605.36
Gage County Sheriff’s Office	Ser	6.00
Geneva Activity & Education Dept.	Ser	60.00
Geneva State Bank	SS	3,158.18

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Geneva Super Foods	Sup	219.19
Matt Harre	Mtgs, Mile	65.20
The Hebron Journal – Register	Ads	279.12
Hilty's of Geneva	Sup	712.53
Hometown Leasing	Ser	653.29
JEO Consulting Group, Inc.	Ser	1,160.00
Kerry's Auto Repair & Service	Rep	175.86
Stephen J. Kraviec	Ser, Post	1,695.10
Lafayette Life Insurance Co.	Insur	160.45
Lancaster County Sheriff	Ser	82.56
Gary Latimer	Fees	119.00
Lease Consultants	Ser	249.00
Madison County Sheriff	Boarding Prisoner	150.00
Microfilm Imaging Systems, Inc.	Ser	66.00
MIPS, Inc.	Ser	2,499.01
Mark Morgan	Mtgs, Mile	84.60
Moses Motor Company, Inc.	Sup	68.51
Morley Most	Mtgs, Mile	94.50
Marvin Nadherny	Mtgs, Mile	56.40
Nebraska Association of County Officials	Dues	1,308.74
Nebraska Fire Sprinkler Corp.	Ser	292.00
The Nebraska Signal	Proc, Ads, Sup	1,849.75
Neopost, Inc.	Ser	445.58
Merle Noel	Mtgs, Mile	63.15
Reggie Noel	Mtgs, Mile	21.05
O'Keefe Elevator Company, Inc.	Rep	5.00
Platte Valley Communications of Hastings	Equip, Ser	612.54
Protex Central, Inc.	Rep	308.27
R & D Auto Parts, LLC	Sup	4.58
Ralphs Geneva Tire & Service Center	Rep, Main	574.81
Saline County Sheriff	Ser	94.00
Saunders County Sheriff	Ser	15.50
Seiler & Parker, P.C.	Ser	95.00
Shell Fleet Plus	Fuel	2,008.98
Sioux Sales Company	Sup	49.70
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	168.00
Sutton Veterinary Clinic	Ser	98.03
Thayer County Sheriff's Office	Ser	28.44
Daniel Werner	Ser	3,555.55
Windstream	Uti	1,392.61
York County Sheriff	Ser	19.00
York Jewelry	Rep	16.80
Ziamba Roofing Company	Rep	148.00
Payroll	Salaries	43,677.16

ROAD/BRIDGE FUND:

Action Auto Supply	Parts	15.57
Alltel	Uti	86.97
Ameritas Life Insurance Corp.	Ret	1,606.20
Auto Glass Center	Parts, Rep	192.48
Auto Value Parts Stores	Parts, Rep, Sup	712.12
Black Hills Energy	Uti	59.45
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	127.04
Century Lumber Center	Parts, Sup	84.90
City of Geneva	Uti	60.20
Dorchester Farmers Coop	Fuel	219.31
Farm Plan	Parts, Rep	220.12
Fastenal Company	Parts	58.82
Fillmore County Hospital	Ser	52.00
Fillmore County Treasurer	Insur	64,508.00
Filter Care of Nebraska	Parts	209.55
Geneva Implement	Parts	177.37
Geneva State Bank	SS	1,789.59
Geneva Welding & Supply, Inc.	Sup	150.23
Grafton Oil	Sup	2,149.95
Hireright Solutions, Inc.	Ser	59.80
Holiday Inn Express Hotel & Suites	Lodging	158.00
Kerry's Auto Repair & Service	Rep	26.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Sup, Parts	8,382.50
Jerry Lukes	Sup	155.88
Mike's Radiator & Tire	Rep	7.00
Nebraska Bolt	Parts	60.57
Nebraska Iowa Industrial Fasteners	Sup	102.82
Nebraska Signal	Ads	41.42
Newman Traffic Signs	Signs	347.55
Nichols Constructions	Gravel	32,438.57

		July 14, 2009
Overland Sand & Gravel	Gravel	5,872.13
Perennial Public Power	Uti	76.82
Platte Valley Communications of Gl	Equip	439.41
R & D Parts	Parts, Sup	43.03
Ralph's Geneva Tire & Service	Rep	61.25
Shell Fleet Plus	Fuel	2,298.59
Superior Deshler, Inc.	Fuel	53.54
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	37.44
Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.07
Village of Ohioa	Uti	20.00
Payroll	Salaries	24,413.20
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Dawg's Smokehouse Café	HDM's	136.50
Exeter Care Center	HDM's	285.00
Exeter Senior Center	LAAA, USDA	291.61
Fairmont Aging Services	LAAA, USDA	1,870.58
Fillmore County Ag Society	Misc.	50.00
Fillmore County Treasurer	Insur	177.08
Geneva Senior Center	LAAA, USDA	2,757.58
Geneva State Bank	SS	171.77
Hometown Leasing	Ser	56.64
Susan Kerl	Ser, Mile	170.45
Lafayette Life Insurance Company	Insur	9.00
Bette Mattox Manning	Ser	72.00
Brenda Motis	Mile, Sup, Post	158.59
The Nebraska Signal	Sup	76.50
Ron's Tavern	HDM's	135.00
Shell Fleet Plus	Fuel	17.77
Windstream	Uti	90.95
Payroll	Salaries	2,261.81
<u>INHERITANCE TAX FUND:</u>		
Biegert Construction Company	Labor, Material	5,825.00
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	June Taxes	697.07
<u>NOXIOUS WEED FUND:</u>		
Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	552.68
Todd Boller	Post, Sup	14.65
Shane Bristol	Rep, Parts	164.63
Brothers Equipment, Inc.	Parts	94.16
Century Lumber Center	Sup	6.15
Chaney Chemical, Inc.	Sup	237.75
City of Geneva	Uti	39.00
Gaylord Craddock	Mile	56.10
Geneva State Bank	SS	357.85
Fillmore County Treasurer	Insur	2,077.00
Frances Heinrichs	Mile	56.10
Ronald Isley	Mile	42.90
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	1,456.66
Payroll	Salaries	4,682.80
<u>E911 COMMUNICATIONS FUND:</u>		
Windstream	Uti	1,555.92

CLAIMS APPROVED

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

Ayes: Capek, Simacek, Cerny, and Mueller

Nays: None Abstaining due to conflict of interest: Yates

The Chairman declared the motion carried.

BUDGET REVIEWS

The Board reviewed the following budgets for fiscal year 2009-2010: Extension, Clerk of District Court, District Judge, and Senior Services. The rest of the budget reviews will be held on July 21, 2009.

JAIL INSPECTION REPORT

A jail inspection was completed and it was reported that the cells could use some cleaning.

ADJOURNMENT

Agenda items “Condemnation Proceedings, Peddlers Permits, and Appointment to LAAA” will be discussed at a future Board meeting. As there were no other items to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:00 a.m., July 28, 2009. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, Cerny, Mueller, 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., July 28, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Mueller, Galusha, and Capek. Kimbrough was absent. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 12:02 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the July 14, 2009 and July 21, 2009 Board meeting as presented.

TAX FORECLOSURES

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

RESOLUTION 2009-23

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 than 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, and Simacek
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	397.80
Ameritas Life Insurance Corp.	Ret	2,681.74
Aramark Uniform Services, Inc.	Ser	679.99
Joseph N. Bixby DR	Ser	1,187.50
Blue Cross Blue Shield of Nebraska	Insur	17,133.08
C & C Extinguisher Service	Rep	71.50
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
County Veteran's Service Officers Assoc.	Wksh	75.00
F & S Supply Co., Inc.	Sup	151.04
Farm & Home Publishers, LTD	Sup	957.75
Fillmore County Hospital	Ser	25.00
Fillmore County Treasurer	Post, Insur, Misc.	538.10
Gage County Sheriff's Office	Ser	19.16
Gambles	Sup	133.27
The Garbage Co.	Ser	161.63
Geneva State Bank	SS	2,840.36
Geneva State Bank – Shickley	Rent	35.00

		July 28, 2009
Germer, Murray, & Johnson	Ser, Mile	688.26
Norma Gregory	Ret	25.00
Hasler Financial Services, LLC	Ser	507.11
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Wksh	4,120.85
Kerry's Auto Repair & Service	Rep, Parts	68.91
Stephen J. Kraviec	Ser	6,117.00
Lancaster County Sheriff	Ser	19.16
Larson Motors, Inc.	Equip	24,496.00
Lehman Reporting Services	Ser, Mile	192.90
Ann H. McDonald	Ret	18.00
Mid-American Research Chemical	Sup	670.35
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,391.71
Lyndsey Pohlmeier	Mile	77.00
Saline County Sheriff	Ser	45.25
Secretary of State/Election Div.	Sup	4.00
Shell Fleet Plus	Fuel	2,249.68
State of Nebraska AS Central Finance	Ser	58.15
State of Nebraska Dept. Correctional Serv.	Boarding Prisoner, Medical	2,623.11
State of Nebraska Dept. of Motor Vehicle	Ser	4.00
Total Funds by Hasler	Post	700.00
University of Nebraska College of Law	Sup	7.50
Brandy VanDeWalle	Meals, Mile	172.87
Webster County Court	Ser	7.00
Williams Exterminating, Inc.	Ser	110.00
York County Sheriff	Ser	38.50
Special Election – Payroll	Salaries	399.93
Payroll	Salaries	39,518.39
<u>ROAD/BRIDGE FUND:</u>		
Ameritas Life Insurance Corp.	Ret	1,607.91
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Farm Plan	Parts, Rep	227.28
Gambles	Sup	30.26
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,801.38
Ralph Gould	Ret	18.00
Donoavan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Sup, Rep	72.00
Lichti Oil	Fuel	6,756.89
NMC Exchange, LLC	Parts	136.28
Nebraska Public Power District	Uti	379.66
Office Depot Credit Plan	Equip, Sup	401.95
Orscheln	Parts	189.99
Perennial Public Power	Uti	46.28
Speece Lewis Engineers	Ser	45.50
Windstream	Uti	143.87
Payroll	Salaries	24,567.44
<u>ECONOMIC DEVELOPMENT – TOURISM:</u>		
Fillmore County Development Corp.	Housing Study	2,096.00
<u>INSTITUTIONS FUND:</u>		
State of Nebraska Health & Human Serv.	June Patient care	90.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Geneva State Bank	SS	169.64
Shell Fleet Plus	Fuel	6.43
Payroll	Salaries	2,233.94
<u>NOXIOUS WEED FUND:</u>		
Ameritas Life Insurance Corp.	Ret	83.84
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	229.85
Payroll	Salaries	3,009.53
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	138.27

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

APPROINT BUDGET MAKING AUTHORITY

Simacek moved and Galusha 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: Mueller, Galusha, Capek, Yates, Simacek, and Cerny
Nays: None

The Chairman declared the motion carried.

SPANISH ACRES SUBDIVISION

After discussion, Mueller moved and Cerny seconded the motion to approve the Spanish Acres Subdivision plat surveyed in January 1975, which was never approved. The Board is approving this plat to assist the Register of Deeds office in filing documents regarding this subdivision.

A tract of land comprising a part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section One (1), Township Six (6) North, Range Three (3) West of the 6th P.M., Fillmore County, Nebraska and more particularly described as follows: beginning at a point on the south line of said SE ¼, SE ¼, said point being 63.8 feet west of the southeast corner of said SE ¼, SE ¼ and also being a point on the west right of way line of U. S. Highway 81; thence running northerly along said right of way line a distance of 808.63 feet; thence running westerly parallel to the north line of said SE ¼, SE ¼ a distance of 190.8 feet; thence running northerly, parallel to the east line of said SE ¼, SE ¼ a distance of 510 feet to a point on the north line of said SE ¼, SE ¼; thence running westerly along the north line of said SE ¼, SE ¼ a distance of 204 feet; thence running southerly parallel to the east of said SE ¼, SE ¼ a distance of 946 feet; thence running easterly parallel to the north line of said SE ¼, SE ¼ a distance of 347.02 feet; thence running southerly parallel to said Highway right of way line a distance of 372.74 feet to a point on the south line of said SE ¼, SE ¼; thence running easterly along the south line of said SE ¼, SE ¼ a distance of 48 feet to the point of beginning and containing 6.802 acres more or less. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BAILIFF BUDGET REQUEST

District Judge, Vicky Johnson submitted the bailiff budget request for 2009-2010 in the amount of \$8,852.37, which is a \$2,507.50 higher than fiscal year 2008-2009. Budget request will be discussed later this summer.

DRIVEWAY PERMIT

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

Steve Ewalt – install a new 40' driveway on the east side of the NE ¼, Section 10-6-3, Stanton Township;
Dave Wythers – install a new 40' driveway on the north side of the NW ¼, Section 15-7-2, Madison Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

Galusha moved and Mueller seconded the motion to approve the following application for clean silt permit:

Steve Heinrichs – clean silt from the County Road ditch along the south and west side of the SW ¼, Section 16-6-4, Momence Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

Windstream – bury communications between Sections 25, 26, 23, and 24-7-3, Geneva 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: Simacek, Cerny, Mueller, Galusha, Capek, and Yates
Nays: None

The Chairman declared the motion carried.

CONDEMNATION IN STANTON TOWNSHIP

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

RESOLUTION 2009-24

WHEREAS, it is in the public interest to replace a deficient bridge, upgrade a section of Fillmore County roadway to current safety standards, and relocate a segment of Turkey Creek tributary in the Northeast Quarter (NE ¼) of Section Twelve (12), Township Six (6) North, Range Three (3) West of the 6th P.M. in Fillmore County, Nebraska and the Southeast Quarter (SE ¼) of Section One (1), Township Six (6) North, Range Three (3) West of the 6th P.M. in Fillmore County, Nebraska;

WHEREAS, the Nebraska Department of Environment Quality and the Department of the Army Corp of Engineers have approved or permitted this proposed project known as project number FIC-30(318);

WHEREAS, there have been reasonable efforts to negotiate in good faith with the owner of the Northeast Quarter (NE ¼) of said Section Twelve (12) but that Fillmore County has been unable to purchase the real estate and easements necessary for the project;

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of Fillmore County, Nebraska, that Daniel L. Werner be authorized and directed to proceed with actions in court on behalf of Fillmore County, Nebraska, to condemn the real estate in the Northeast Quarter (NE ¼) of said Section Twelve (12) for the construction and completion of said improvements in accordance with the plans, permits and authorizations for this project number FIC-30(318).

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

UTILITY AGREEMENT WITH PERENNIAL

After discussion, Mueller moved and Capek seconded the motion to approve the utility agreement with Perennial Public Power for project BRO-7030(33) between Sections 27/28 and 33/34-7-2, Madison Township at no cost to the County. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

MADISON TOWNSHIP DRAINAGE

After discussion, the Board decided to have a public hearing regarding the drainage issues in Section 22, Madison Township on August 25, 2009 at 9:45 a.m. Marlene Buerer was present for this discussion.

BIDS FOR ENGINEERING SERVICES FOR PROJECT IN GENEVA TOWNSHIP

Bids for engineering services were opened at 9:45 a.m. The following bids were received:

<u>Engineering Firm</u>	<u>Primary Engineering</u>	<u>Construction Engineering</u>	<u>Total Cost</u>
Speece-Lewis Engineers	\$9,500.00	\$10,575.00	\$20,075.00
Mainelli Wagner & Associates	\$7,783.69	\$10,850.00	\$18,633.69

Highway Superintendent, Elmer Hessheimer will review the bids and bring his recommendation to the Board at the August 11, 2009 meeting.

MOTOR GRADER ISSUES

Chad McDaniel with NMC informed the Board of the motor grader issues that Fillmore County is having with the new machine purchased last year. NMC will be keep the Board informed regarding extending the warranty on this machine.

LINCOLN AREA ON AGING

June Pederson and Denise Boyd with Lincoln Area on Aging presented the annual report and budget request for 2009-2010. Budget request is \$10,332.00 which is \$863.50 increase from fiscal year 2008-2009. Request will be decided with the budget process later this summer.

SPECIAL USE PERMIT HEARING

Opened public hearing for a special use permit at 10:49 a.m., as no one appeared to testify for or against this permit the hearing was closed at 11:07 a.m.

SENIOR SERVICES UPDATE

Brenda Motis, Senior Services Director presented an update as to what Senior Services have been doing this last year as well as goals for next year.

SPECIAL USE PERMIT

After discussion, Cerny moved and Capek seconded the motion to approve the special use permit for Darrell Mosier located in the NE ¼, Section 16-5-3, Hamilton Township. This will allow the capacity to go from 950 finisher swine to 1,450 swine. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SICK DAY BANK

Capek moved and Simacek seconded the motion to approve additional time to be used from the sick day bank for Terry Marshall. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

USDA AGREEMENT

After discussion, Capek moved and Mueller seconded the motion to approve and sign the agreement with United States Department of Agriculture for Animal, Plant and Wildlife services in the amount of \$7,487.00 beginning July 1, 2009 and ending June 30, 2010. The Board will send a letter to all villages to inform them of this service. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items “update from Blue Cross Blue Shield and peddler permits” will be discussed at a future Board meeting. As there were no other items to come before the Board, Mueller moved and Galusha seconded the motion to adjourn until 9:10 a.m., August 11, 2009. Upon roll call, the vote was as follows:

Ayes: Yates, Simacek, 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 9:15 a.m., August 11, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Cerny was excused at 11:05 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 12:25 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the July 28, 2009 Board meeting as presented.

FEE REPORTS

Kimbrough moved and Capek seconded the motion to approve the fee reports for July 2009:

County Clerk: \$9,473.30 (State \$5,876.16 & County \$3,597.14)

Sheriff: \$1,595.14

Clerk of District Court: \$1,210.68

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.

DRIVEWAY PERMIT

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

Bruce Vejraska – install a new 40' driveway on the east side of the SE ¼, Section 25-6-1, Glengary 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.

SUPPLEMENTAL AGREEMENT ON GENEVA EAST PROJECT

After discussion, Kimbrough moved and Mueller seconded the motion to approve and sign the Supplemental Agreement #1 for Geneva East Project #BRO-7030(33) with the State of Nebraska. Upon roll call, the vote was as follows:

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

Nays: Simacek

The Chairman declared the motion carried.

LETTING FOR ENGINEERING SERVICES

After discussion, Simacek moved and Galusha seconded the motion to award the engineering services to Mainelli, Wagner, and Associates for Project #C-30(360) between sections 21, 22, 27, and 28 Geneva Township.

After further discussion, before roll call Simacek withdrew the motion and Galusha seconded due to lack of information will request the Highway Superintendent to research and bring back to August 25th meeting.

SEIZED HORSE CLAIMS

William Burgess, Fillmore County Sheriff updated the Board regarding the seized horses. At this time there are currently two bills for the horses, and will be taken out of the inheritance tax fund. Once this case goes to court, Fillmore County should be reimbursed from the owner of the horses for all bills. The Sheriff is looking into additional funds from State and Federal funding.

AXIS CAPITAL

Howard Ach, Deputy County Attorney informed the Board that he was to have a proposal regarding the previous lease on the postage machine, but Axis Capital is not returning his phone calls. He will continue to try to reach them for an agreement.

SPANISH ACRES

After discussion, the Board directed the Register of Deeds office to provide County Attorney's office with a list of current owners located in the "Spanish Acres Subdivision" so that he can contact them regarding the legal description of their property.

GENEVA BROADBAND

Greg Balzer with Geneva Broadband gave a presentation to the Board regarding what services they are now offering in the downtown area. After discussion, the Board requested Amy Nelson, County Clerk and Mr. Balzer get together to discuss which option would be best for Fillmore County.

USDA WILDLIFE SERVICES

Spencer Nelson with USDA Wildlife Services came to answer questions that the Board had regarding who was using this service and how much time was spent with cities and villages.

ECONOMIC DAMAGE BY CONSERVATION

Randy Williams presented information to the Board regarding "Economic Damage by Conservation" that is happening in Fillmore County as well as Clay County. Josh Anderson from Clay County was also present for this discussion.

PERSONNEL DISCUSSION

County Assessor, County Clerk, and County Treasurer were present for discussion regarding personnel in each office with the State mandating the move of titles to the Treasurer's office.

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, Misc.	3,275.67
Ameritas Life Insurance Corp.	Ret	2,697.16
Jon Anderson	Uni	35.00
Bear Graphics, Inc.	Sup	586.57
Black Hills Energy	Uti	53.50
Bottorf & Maser, Atty.	Ser, Mile	716.25
William L. Burgess	Uni, Meals, Fuel	112.19
Butler County Court	Sup	2.00
Daryl L. Callenius	Uni	35.00
Chaney Chemical, Inc.	Sup	517.18
City of Geneva	Uti	470.90
Constellation Energy	Uti	3.52
Corner Stop	Fuel	232.83
Cottonwood Title Company	Ser	100.00
County Assessor's Association of Nebr.	Dues	100.00
Douglas County Sheriff	Ser, Mile	31.92
Duckwall – Alco Stores, Inc.	Sup	30.75
Eakes Office Plus	Sup	1,257.09
Executive Copier Services	Sup	63.73
F & S Supply Co., Inc.	Sup	334.97
Fillmore County Clerk of District Court	Fees	120.00
Fillmore County Sheriff	Fees	655.20
Fillmore County Treasurer	July Transfers	11,299.06
Geneva State Bank	SS	2,833.11
Geneva TV & Appliance	Equip	499.00
Robert Hester	Uni	35.00
Hometown Leasing	Ser	653.29
Steve Julich	Uni, Post	42.00
Kelch Plumbing Heating & Refrigeration	Rep	266.76
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,898.20
Lafayette Life Insurance Co.	Insur	160.45
Lancaster County Sheriff	Ser	19.16
Microfilm Imaging Systems, Inc.	Ser	64.00
MIPS, Inc.	Ser	2,899.01
Nebraska Law Enforcement Training Center	Wksh	100.00
The Nebraska Signal	Pro, Ads, Sup	2,315.86
Nick's Farm Store	Sup	122.06
Plains Power & Equipment, Inc.	Mower, Sup	3,079.00
Ralph's Geneva Tire & Service Center	Rep	84.77
Steven G. Roemmich	Uni	35.00
Saline County Sheriff	Ser	48.75
Vickie Smith	Ser	45.50
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	84.00
Thayer County Sheriff's Office	Ser	19.00

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USPS	Post	27.15
Valley County Sheriff Office	Ser	18.50
West Payment Center	Sup	434.00
Eric Williams	Wksh, Post, Mile	253.37
Windstream	Uti	230.06
York County Court	Ser	1.75
York County Sheriff	Ser, Mile	46.72
Payroll	Salaries	39,873.54

ROAD/BRIDGE FUND:

Ace Agri Supply	Sup	162.95
Action Auto Supply	Parts	19.19
Alltel	Uti	87.65
All Roads Barricade, Inc.	Sup	65.47
Ameritas Life Insurance Corp.	Ret	1,608.77
Auto Value Parts Stores	Parts, Sup	213.85
Black Hills Energy	Uti	61.52
Century Lumber Center	Sup, Misc.	340.64
City of Geneva	Uti	57.00
Corner Stop	Fuel	1,520.33
Erdkamp Motors	Sup	178.00
Filter Care of Nebraska	Parts	22.80
Geneva Implement	Parts	434.20
Geneva State Bank	SS	1,771.20
Geneva Welding & Supply, Inc.	Sup	180.55
Grafton Oil	Fuel	1,191.62
Jill's Sweet Shop	Misc.	27.00
Lafayette Life Insurance Co.	Insur	87.99
Lauber Seed Farm	Sup	38.00
Lichti Oil	Fuel, Parts	4,590.49
Michl Service	Fuel	23.00
Mike's Radiator & Tire	Rep	50.00
Nebraska Iowa Industrial Fasteners	Sup	168.06
Newman Traffic Signs	Sup	479.60
Nichols Construction	Gravel	25,378.00
Nick's Farm Store	Rep	12.50
Overland Ready Mixed	Concrete	200.81
Overland Sand & Gravel	Gravel	1,465.63
Patchmaster Central	Rep	725.00
Perennial Public Power	Uti	30.13
Presco Sales & Service	Equip	3,070.00
Raynor Garage Doors of CE. NE., Inc.	Rep	159.00
Shell Fleet Plus	Fuel	746.22
Sutton Electric, Inc.	Rep	35.25
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	24,173.01

SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	149.50
Eakes Office Plus	Sup	43.01
Exeter Care Center	HDM's	300.00
Exeter Senior Center	USDA	40.47
Fairmont Aging Services	USDA	204.63
Fillmore County Transit	Mile	45.00
Geneva Senior Center	Rent, USDA	695.86
Geneva State Bank	SS	171.77
Hometown Leasing	Ser	56.64
Lafayette Life Insurance Company	Insur	9.00
Bette Mattox Manning	Ser	168.00
Brenda Motis	Mile	34.10
Nebraska Assoc. of Senior Centers	Wksh	80.00
Ron's Tavern	HDM's	150.00
Rhonda Stokebrand	Mile, Misc	118.22
Windstream	Uti	90.27
Payroll	Salaries	2,261.81

INHERITANCE TAX FUND:

Countryside Vet Clinic	Horses	917.92
Fillmore County Treasurer	Transfer	10,000.00
Larry Krasser Trucking	Horses	100.00

HOSPITAL OPERATING FUND:

Fillmore County Hospital	July Taxes	880.47
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NOXIOUS WEED FUND:

Alltel	Uti	41.17
Ameritas Life Insurance Corp.	Ret	73.98

		August 11, 2009
Todd Boller	Post	8.80
Chaney Chemical, Inc.	Sup	159.00
City of Geneva	Uti	11.70
Gambles of Geneva	Sup	28.80
Geneva State Bank	SS	83.47
Grafton Mini Mart	Fuel	384.90
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	252.33
Nick's Farm Store Co.	Equip	107.99
North American Weed Management Assoc.	Wksh	185.00
University of Nebraska – Lincoln	Ser	10.00
Payroll	Salaries	1,096.00

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

NOXIOUS WEED BUILDING

After discussion, Galusha moved and Mueller seconded the motion to declare the Noxious Weed building located in Lot 272 and the S ½ of Lot 271, Original town, Exeter surplus. The Board will be selling this property on September 22, 2009 at 1:15 p.m. in the Boardroom of the Fillmore County Courthouse, with a starting bid of \$5,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda item “Letting for Engineering Services” will be discussed at a future Board meeting. As there were no other items to come before the Board, Simacek moved and Galusha seconded the motion to adjourn until 9:15 a.m., August 25, 2009. Upon roll call, the vote was as follows:

Ayes: 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 9:27 a.m., August 25, 2009, 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. 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 4:40 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the August 11, 2009 Board meeting as presented.

DRIVEWAY PERMIT

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

Gary Muehling – install a new 40' driveway on the east side of the NE ¼, Section 23-5-2, Belle Prairie 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

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

Ted Marek – install an electrical line between the SE ¼, Section 32-8-1, Exeter Township and the NE ¼, Section 5-7-1, Liberty Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them 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, and Mueller
Nays: None

The Chairman declared the motion carried.

LETTING FOR ENGINEERING SERVICES

After discussion, Kimbrough moved and Capek seconded the motion to award the engineering services to Speece Lewis Engineers for Project #C-30(360) between sections 21, 22, 27, and 28 Geneva Township from the July 28, 2009 Board meeting. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DIESEL FUEL LETTING

After discussion, the Board directed the Highway Superintendent to have a diesel fuel letting this year either in November or December.

ZION CEMETERY DITCH FILLING

After discussion, Galusha moved and Capek seconded the motion to approve the Zion Cemetery to fill the ditch as approved by the Highway Superintendent and with at least a foot ditch being left along the east and south side of the SE ¼, Section 24, Momence Township. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PUBLIC HEARING FOR DRAINAGE ISSUES BETWEEN SECTIONS 21-22 MADISON

Public hearing was opened at 9:45 a.m. as advertised to hear public comments regarding the drainage issues between Sections 21-22, Madison Township. Larry Lewis with Speece Lewis Engineers, Kent Theobald, Mike Uldrich, and Gean & Marlene Buerer were present for this discussion.

After discussion, the hearing was closed at 10:32 a.m., there will be more discussion at the next Board meeting.

MOTOR GRADER

Chad McDaniel from NMC (Nebraska Machinery) informed the Board that they will be extending the warranty of the power train another five (5) years on the motor grader that was purchased last year.

EXECUTIVE SESSION

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

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

Nays: None

The Chairman declared the motion carried and requested that the Zoning Administrator and the County Clerk remain. Executive session began at 11:04 a.m.

RETURN TO REGULAR SESSION

Mueller moved and Simacek seconded the motion to return to open session at 11:14 a.m. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

HORTON CEMETERY

Received a letter from Mr. Richard Horton regarding the damage to tombstones at the Horton Cemetery. After review by several Board members, the Highway Superintendent, and the County Sheriff all believe that the tombstones are just deteriorating due to age. At this time the Board agreed that there is nothing that they can do and will file the letter.

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	751.55
Ameritas Life Insurance Corp.	Ret	2,635.74
Aramark Uniform Services, Inc.	Ser	516.78
Blue Cross Blue Shield of Nebraska	Insur	16,580.40
Mary Brinkman	Meals	10.88
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Duckwalls	Sup	18.91
Earls Window Service	Ser	5.00
Evercom Systems, Inc.	Sup	140.00
Fillmore County Court	Fees	1,477.87
Fillmore County Medical Center	Ser	78.00
Fillmore County Treasurer	Ser, Equip, Post	2,966.90
First Concord Group, Inc.	Insur, Ser	3,547.27
Gambles	Sup	199.32
The Garbage Co.	Ser	161.63
Geneva State Bank	SS	2,794.72
Geneva Super Foods	Sup	857.39
Geneva TV & Appliance, Inc.	Sup, Rep	53.50
Germer, Murray & Johnson	Ser, Mile	488.76
Norma Gregory	Ret	25.00
Hasler Financial Services, LLC	Ser	152.37
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Wksh, Uti	5,315.31
Kiner Supply Co.	Sup	620.00
Stephen J. Kraviec	Ser, Post	1,696.70
Lawson Products, Inc.	Sup	207.84
Lease Consultants Corp.	Ser	249.00
Maximus, Inc.	Ser	268.25
Ann H. McDonald	Ret	18.00
Mid-American Research Chemical	Sup	529.63
MIPS, Inc.	Sup	81.51
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Dept. of Revenue	Wksh, Sup	575.00

August 25, 2009

Nebraska Public Power District	Uti	2,507.82
Nebraska Sheriff's Assoc.	Wksh	90.00
Nebraska Signal	Misc.	30.50
Lyndsey Pohlmeier	Mile	24.20
Postmaster	Rent	44.00
Revitalize Geneva	Misc.	200.00
Seiler & Parker, P.C.	Ser, Mile	682.75
Shell Fleet Plus	Fuel	1,706.17
State of Nebraska AS Central Finance	Ser	48.25
State of Nebraska Dept. Correctional Serv.	Boarding Prisoners, Medical	2,634.71
State of Nebraska Dept. Motor Vehicle	Ser	4.00
Brandy VanDeWalle	Mile	48.40
Weaver Pharmacy	Sup, Misc.	234.25
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,189.81
Wingate by Wyndham	Lodging	84.95
Payroll	Salaries	38,921.59

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,582.84
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Dorchester Framers Coop	Fuel, Parts	126.81
Farm Plan	Parts	97.52
Fillmore County Shop – Petty Cash	Misc, Post	35.44
Gambles	Sup, Misc	68.05
The Garbage Co.	Ser	78.76
Geneva State Bank	SS	1,796.45
Geneva Super Foods	Sup	18.92
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	61.34
Elmer Hessheimer	Meals	49.86
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel	4,544.62
NMC Exchange, LLC	Parts, Rep	1,608.72
Nebraska Public Power District	Uti	375.08
Office Depot Credit Plan	Sup	84.03
Perennial Public Power	Uti	46.45
Roit Repair	Rep	48.53
Speece Lewis Engineers	Ser, Fees	6,283.00
Village of Fairmont	Uti	17.00
Windstream	Uti	143.97
Payroll	Salaries	24,503.01

ECONOMIC DEVELOPMENT – TOURISM FUND:

Discover Geneva	Grant	250.00
Milligan Auditorium Corp.	Grant	250.00
Revitalize Geneva	Misc.	200.00

INSTITUTIONS FUND:

State of Nebraska Health & Human Serv.	July Patient Care	78.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Crossroads	Sup	10.00
Geneva State Bank	SS	171.77
Shell Fleet Plus	Fuel	30.38
Windstream	Ser	110.27
Payroll	Salaries	2,261.81

NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	86.15
Payroll	Salaries	1,131.00

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	167.47
Windstream	Uti, Ser	1,005.37

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

INVENTORIES APPROVED

Mueller moved and Capek seconded the motion to approve the inventories of the county offices and departments as presented. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

GENERAL ASSISTANCE 2009-03

After discussion, Galusha moved and Mueller seconded the motion to deny the general assistance application due to not using all resources prior to applying for general assistance. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CARE MANAGEMENT CONTRACT

After discussion, Simacek moved and Galusha seconded the motion to approve and sign the care management agreement with Lincoln Area Agency on Aging beginning July 1, 2009 and ending June 30, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PLANNING COMMISSION

Galusha moved and Capek seconded the motion to appoint Allen Stuckey and John Griess to the Planning Commission. Griess will replace Norma Lichtenberg term ending June 2010 and Stuckey will replace Real as his term ended June 30, 2009. Stuckey's term will begin August 2009 and ending June 2012. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SAFETY COMMITTEE

After discussion, Kimbrough moved and Simacek seconded the motion to appoint Brandie Conway to the safety committee to fulfill Daryl Callenius' term ending December 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SPANISH ACRES SUBDIVISION

After discussion, Galusha moved and Mueller seconded the motion to direct the County Attorney's office to draw up a resolution regarding the Spanish Acres Subdivision since the affidavit has been signed by a current landowner. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BUDGET REVIEWS

Ron Willnerd and assistant Joleen Stroyek with Contryman Associates, P. C. reviewed all budgets with the Board and department heads, several budget cuts were made. Department heads in attendance were Joan Ackland, Assessor; Peggy Birky, Clerk of District Court; Barbara Trapp, Treasurer; Amy Nelson, County Clerk; Brenda Motis, Senior Services Director; Elmer Hessheimer, Highway Superintendent; Howard Ach, Deputy County Attorney; Brandy VanDeWalle, Extension Office, and Todd Boller, Noxious Weed Superintendent.

ADJOURNMENT

As there were no other items to come before the Board, Simacek moved and Mueller seconded the motion to adjourn until 9:30 a.m., September 8, 2009. Upon roll call, the vote was as follows:

Ayes: 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 9:30 a.m., September 8, 2009, 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. 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 11:35 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the August 25, 2009 Board meeting as presented.

DRIVEWAY PERMIT

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

Dan Aspegren – install a new 40' driveway on the west side of the SW ¼, Section 28-7-2, Madison Township;

Schelkopf Farms, LLC – install three new 40' driveways on the east side of the NE ¼, Section 2-5-3, Hamilton Township.

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.

MADISON TOWNSHIP DRAINAGE

Gean & Marlene Buerer were present for the discussion regarding the Madison Township drainage in Sections 16 and 21.

After discussion, Mueller moved and Simacek seconded the motion to have Speece Lewis prepare a Corp permit for Sections 16 & 21, Madison Township. Upon roll call, the vote was as follows:

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

Nays: Kimbrough

The Chairman declared the motion carried.

FLOODPLAIN PERMIT, GLENGARY TOWNSHIP

After discussion, Cerny moved and Mueller seconded the motion to approve the floodplain permit between Sections 29 & 30, Glengary Township. This will replace a 17' concrete bridge with a twin 10' x 8' concrete box culvert, roadway grading, channel grading, 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.

TREES IN WEST BLUE TOWNSHIP

After discussion, Galusha moved and Mueller seconded the motion to direct the Highway Superintendent to conduct a traffic study on Road 11, between Hwy 6 and Road E unless the Railroad will be putting up stop signs at all railroad crossings. Upon roll call, the vote was as follows:

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

Nays: Capek

The Chairman declared the motion carried.

CORRECT RESOLUTION

After discussion, Kimbrough moved and Simacek seconded the introduction of the following resolution to correct an error in Resolution 2000-29, stating that it would stop "North & South bound traffic":

RESOLUTION 2009-30

In accordance with the standards set forth in the Manual on 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 locations:

TYPE OF DEVICE
STOP sign

LOCATION
at the intersection of Roads C and 15 stopping
East and West bound traffic

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this request is approved this 8th day of September 2009.

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.

LAW ENFORCEMENT INTERLOCAL AGREEMENT

Rod Norrie, Mayor City of Geneva, Kyle Svec, City of Geneva Administrator, and William Burgess County Sheriff attended during this discussion.

After discussion, Mueller moved and Cerny seconded the motion to approve a two year agreement with the City of Geneva regarding law enforcement in the City of Geneva. This agreement will also include a 4% increase and allow the Board Chairman, County Clerk, and County Attorney to sign the agreement once completed. 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.

FEE REPORTS

Capek moved and Mueller seconded the motion to approve the fee reports for August 2009:

County Clerk: \$5,973.25 (State \$3,290.09 & County \$2,683.16)
Sheriff: \$2,605.89
Clerk of District Court: \$463.19

Upon roll call, the vote is as follows:

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

The Chairman declared the motion carried.

PUBLIC HEALTH BOARD

Eric Williams presented his resignation from the Public Health Solutions board effective December 31, 2009. Eric will assist the Board in finding a replacement.

NOXIOUS WEED BUILDING IN EXETER

The hearing regarding selling lot 272 and the south ½ of lot 271, original town in Exeter was opened at 11:01 a.m. as advertised. Hearing closed at 11:18 a.m. as no one appeared to testify.

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, Misc.	3,290.90
Ameritas Life Insurance Corp.	Ret	2,912.43
Jon Anderson	Uni	35.00
Joseph N. Bixby, DR	Ser	2,223.00
Black Hills Energy	Uti	53.51
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Central Nebraska Refrigeration, Inc.	Rep, Equip	1,402.15
Century Lumber Center	Sup	15.99
City of Geneva	Uti	205.20
Constellation Energy	Uti	3.52

September 8, 2009

Custer County Sheriff	Ser	53.38
Dawson County Sheriff	Sup	2.75
Duckwall – Alco Stores, Inc.	Sup	59.03
Earls Window Service	Ser	5.00
Erdkamp Motors	Main	36.00
Executive Copier Systems, Inc.	Ser	65.09
Faith Regional Health Services	Ser	66.12
Fillmore County Treasurer	Transfers, Wksh, Post	413,524.02
First Concord Group, Inc.	Ser	174.00
Geneva Broadband, LLC	Rep	122.50
Geneva State Bank	SS	3,081.08
Geneva TV & Appliance, Inc.	Equip	490.95
Robert Hester	Uni	35.00
Hometown Leasing	Ser	524.85
Jim's Repair	Main	34.75
JS Wurm & Associates	Ser	79.25
Steve Julich	Uni	35.00
Lancaster County Sheriff	Ser	19.16
Lynn Peavey Company	Sup	83.84
Madison National Life	Insur	10.68
MIPS, Inc.	Ser	2,499.01
The Nebraska Signal	Pro, Ads, Sup	730.13
Norrie Construction	Rep	94.56
O'Keefe Elevator Company, Inc.	Main	222.76
Lyndsey Pohlmeier	Mile	60.50
Ralph's Geneva Tire & Service Center	Rep, Main	556.15
Region V Systems	Ser	550.00
Wes Rippe	Lodging	47.39
Steven G. Roemmich	Uni	35.00
Secretary of State Election Division	Wksh	25.00
Seiler & Parker, P.C.	Ser, Mile	416.00
State of Nebraska AS Central Finance	Ser	448.00
State Marshall for Windham, County, CT	Ser	42.90
Total Funds by Hasler	Post	700.00
UN-L IS Telecommunications	Uti	10.62
US Bank CPS	Wksh	36.00
USDA, APHIS	Ser	1,835.00
USI Education & Government Sales	Sup	154.19
Brandy VanDeWalle	Meals, Mile	16.57
Windstream	Uti	229.82
Payroll	Salaries	42,664.84
<u>ROAD/BRIDGE FUND:</u>		
Alltel	Uti	87.34
Ameritas Life Insurance Corp.	Ret	1,608.77
Auto Value Parts Stores	Parts, Sup	525.03
Baum Hydraulics	Parts	20.60
Black Hills Energy	Uti	61.42
Century Lumber Center	Parts, Sup	64.95
City of Geneva	Uti	60.20
Corner Stop	Fuel	2,196.39
Filter Care of Nebraska	Parts	31.30
Friesen Chevrolet, Inc.	Parts	91.02
Geneva Implement	Parts	252.02
Geneva State Bank	SS	1,806.51
Geneva Welding & Supply, Inc.	Sup	30.00
Grafton Oil	Sup, Rep	1,132.45
Lichti Oil	Fuel, Parts	7,397.64
Michl Service	Fuel	55.00
Nebraska Iowa Industrial Fasteners	Sup	186.48
The Nebraska Signal	Sup	21.28
Newman Traffic Signs	Sup	746.98
Nichols Construction	Gravel	30,668.17
Overland Sand & Gravel	Gravel	21,312.95
Perennial Public Power	Uti	31.81
Power Plan	Parts	888.91
R & D Parts	Sup	130.44
Ralph's Geneva Tire & Service	Rep	23.00
Shell Fleet Plus	Fuel	709.80
Speece Lewis Engineers	Ser	2,502.50
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	24,634.42
<u>ECONOMIC DEVELOPMENT – TOURISM:</u>		
Mary E. Johnson	Mile	50.05
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.86

		September 8, 2009
Eakes Office Plus	Sup	182.43
Exeter Care Center	HDM's	305.00
Fillmore County Treasurer	Post	138.00
Geneva Senior Center	Rent, Sup	45.00
Geneva State Bank	SS	171.06
Hometown Leasing	Ser	56.64
Bette Mattox Manning	Ser	120.00
Brenda Motis	Mile	167.75
Ron's Tavern	HDM's	125.00
Windstream	Uti	10.76
Payroll	Salaries	2,252.52
<u>INHERITANCE TAX FUND:</u>		
Countryside Vet Clinic	Mile, Ser	121.56
Fillmore County Treasurer	Transfer	5,000.00
Dean Olson	Care of Horses	7,385.00
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	August Taxes	22,817.39
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	39.23
Ameritas Life Insurance Corp.	Ret	73.98
City of Geneva	Uti	7.50
Geneva State Bank	SS	83.47
Grafton Mini Mart	Fuel	50.00
Lichti Oil	Fuel	145.83
Walk It Transportation	Sup	60.00
Payroll	Salaries	1,096.00

CLAIMS APPROVED

Galusha 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.

AMERICAN LEGION DAY

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

RESOLUTION 2009-31

WHEREAS, on September 16, 1919, Congress issues the American Legion a Federal charter;

WHEREAS, the American Legion, a veterans service organization, remains active at the National, State, and local levels;

WHEREAS, American Legion members, known as Legionnaires, donate millions of volunteer hours in the Department of Veterans Affairs medical facilities and State Veterans Homes;

WHEREAS, the American Legion sponsors and supports a number of activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

WHEREAS, the American Legion awards millions of dollars in college scholarships;

WHEREAS, the American Legion National Emergency Fund provides financial assistance to Legionnaires who are displaced by natural disasters;

WHEREAS, the American Legion Family Support Network provides assistance to members of the Armed Forces and their families;

WHEREAS, the American Legion stands for and provides education to foster 100% Americanism of its members and the public and are the supports of communities and County's across the nation;

WHEREAS, the Legionnaires believe a veteran's service to the United States goes on long after the Veteran is discharged from the Armed Forces; and

WHEREAS, many Americans recognize September 16 of each year as American Legion Day

NOW, THEREFORE, BE IT resolved that the Fillmore County Board of Supervisors call upon the people of Fillmore County to observe American Legion Day.

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.

ECONOMIC DAMAGE BY CONSERVATION

After discussion, Mueller moved and Kimbrough seconded the motion to send a letter to the Governor, Senator Karpisek, Congressman Smith, and Director of Nebraska Department of Agriculture regarding economic damage by conservation. Upon roll call, the vote was as follows:

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

Upon roll call, the vote was as follows

SPANISH ACRES SUBDIVISION

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

RESOLUTION 2009-32

WHEREAS, on January 24, 1975, Thomas L. Jordan, licensed surveyor #179, prepared a survey and plat of a proposed subdivision in Fillmore County which was to be known as "Spanish Acres Subdivision" and which plat was filed for record in Book 1 at Page 37 of the original plat book for Fillmore County, Nebraska on February 18, 1975 and which plat was prepared on behalf of and on the request of Norman D. Erisman and Mary Ann Erisman; and

WHEREAS, the plat of Spanish Acres Subdivision heretofore described was never approved by the Fillmore County Board of Supervisors; and

WHEREAS, on August 21, 2009, Calvin W. Fort Jr. and Diane G. Fort have filed an Affidavit with the Board of Supervisors for the County of Fillmore requesting that the Board of Supervisors prepare, file, and pass a resolution approving the Spanish Acres Subdivision plat as surveyed in 1975 as a legal Subdivision of Fillmore County, Nebraska, so as to correct any defect in title with respect to any deeds describing lots or real estate with references to Spanish Acres Subdivision; and

WHEREAS, the Board of Supervisors of Fillmore County, Nebraska, pursuant to Section 76-2110 (2) does have the authority to waive, prospectively waive and/or retroactively waive the 120 day period of time in which to object to or record an objection to the validity of any deeds previously recorded or hereinafter to be recorded concerning real estate in Spanish Acres Subdivision.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Fillmore County, Nebraska does:

1. Waive its authority under Section 76-2110(2) to object to the request made in the Affidavit filed with the Registrar of Deeds concerning approval of Spanish Acres Subdivision or any deeds describing Lots in Spanish Acres Subdivision.
2. Waive, prospectively waive or retroactively waive the 120 day waiting period concerning its rights to object to the recording of any deeds containing a description of Lots in Spanish Acres Subdivision.
3. Hereby approve the Spanish Acres Subdivision plat surveyed in January of 1975 and does hereby approve the plat as a subdivision of Fillmore County, Nebraska and does further direct the Registrar of Deeds of Fillmore County, Nebraska, to enter upon its records the plat of Spanish Acres Subdivision as a legal Subdivision of Fillmore County, Nebraska.
4. Direct the Registrar of Deeds of Fillmore County, Nebraska to accept and record any and all deeds wherein Lots in the Subdivision known as Spanish Acres Subdivision are described.

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.

ADJOURNMENT

Agenda items "Update from Hospital and American Recovery & Reinvestment Act of 2009" 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 22, 2009. 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., September 22, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Capek absent at 11:40 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 1:25 p.m.

MINUTES APPROVED WITH CORRECTION

Chairman of the Board, Yates approved the minutes of the September 8, 2009 Board meeting with the following correction to the interlocal agreement with the City of Geneva for Law Enforcement. The contract amount is \$131,559.96 a year beginning October 1, 2009 and ending September 30, 2011.

AMERICAN RECOVERY & REINVESTMENT ACT OF 2009

Patt Lentfer, Fillmore County Development Corp. administrator informed the Board that she had visited with Richard Baier, Director of Department of Economic Development to discuss the American Recovery & Reinvestment Act of 2009. After their discussion, Richard informed Patt that unless Fillmore County had a project already in the works that the County should waive the funds at this time due to the timing.

After discussion, Mueller moved and Capek seconded the motion to waive the Recovery Zone Bond Volume Cap Allocation as the County has no projects in the works that would qualify. 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	526.79
Ameritas Life Insurance Group	Ret	2,709.31
Aramark Uniform Services, Inc.	Ser	633.16
American Legion Emblem Sales	Sup	386.35
Jon Anderson	Uni, Meals	40.35
Blue Cross Blue Shield of Nebraska	Insur	18,238.44
William L. Burgess	Uni, Meals	57.21
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	344.97
Dell Marketing, L.P.	Equip	1,462.03
Eakes Office Plus	Sup	574.88
First Concord Group, Inc.	Insur	2,471.00
Gage County Clerk	Funding	3,014.30
Gambles	Sup	110.06
The Garbage Company	Ser	161.63
Geneva State Bank	SS	2,824.65
Geneva Super Foods	Sup	676.41
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
Robert Hester	Uni	35.00
Headstart CFDP, Inc.	Funding	10,000.00
Hilty's	Sup	16.72
Hometown Leasing	Ser	128.44
JEO Consulting Group, Inc.	Ser	500.00
Jill's Sweet Shop	Food	220.74
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,653.14
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,931.20
Stephen J. Kraviec	Ser, Post	1,705.57
Louderback Drug	Sup	16.68
Madison National Life	Insur	10.68
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Sup	113.35
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,441.31
Nick's Farm Store Co.	Sup	25.50

September 22, 2009

Region V Services	Funding	2,952.25
Steven G. Roemmich	Uni	35.00
Kirk Rust	Uni	200.00
Shell Fleet Plus	Fuel	2,046.46
Southeast Nebraska Development Dist.	Funding	7,303.00
State of Nebraska AS Central Finance	Ser	48.25
State of Nebraska Dept. Correctional Svcs	Boarding Prisoners	844.54
State of Nebraska Dept. of Motor Vehicle	Sup	12.00
UN-L IS-Telecommunications	Uti	10.62
Weaver Pharmacy	Sup	214.59
Eric Williams	Mile, Post	161.26
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,143.22
Payroll	Salaries	39,312.79

ROAD/BRIDGE FUND:

A-L Irrigation, LLC	Sup	45.00
Ameritas Life Insurance Corp	Ret	1,607.03
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Cottonwood Title Company	Ser	400.00
Dorchester Farmers Coop	Fuel	2,279.90
Dultmeier Sales	Rep, Parts	657.82
Gambles	Sup, Rep	131.71
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,804.74
Ralph Gould	Ret	18.00
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel	12,790.10
NMC Exchange, LLC	Parts, Sup	616.45
National Sign Company, Inc.	Sup	1,262.64
Nebraska Public Power District	Uti	341.28
Office Depot Credit Plan	Sup	67.98
Superior Deshler Inc.	Fuel	54.59
US Postal Service	Post, Sup	270.60
Donna Saltzman	Ser	25.00
Village of Fairmont	Uti	36.61
Windstream	Uti	144.52
Payroll	Salaries	24,611.38

ECONOMIC DEVELOPMENT – TOURISM FUND:

Fillmore County Development Corp.	Mile, Post, Wksh, Sup	717.53
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INSTITUTIONS FUND:

State of Nebraska Health & Human Svcs	Aug. Patient Care	93.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Dawg's Smokehouse Café	HDM's	143.00
Exeter Care Center	USDA	49.59
Fairmont Aging Services	USDA	240.54
Geneva Senior Center	USDA	656.07
Geneva State Bank	SS	172.13
Shell Fleet Plus	Fuel	2.32
US Bank CPS	Sup	86.97
Windstream	Uti	130.91
Payroll	Salaries	2,266.46

INHERITANCE TAX FUND:

Fillmore County Veteran's Relief Fund	Misc	2,000.00
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NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	83.47
Payroll	Salaries	1,096.00

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	144.01
Windstream	Uti	1,004.85

CLAIMS APPROVED

Simacek moved and Cerny 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.

REGION V SYSTEMS

After discussion, Mueller moved and Kimbrough seconded the motion to allow the budget increase from Region V Systems in the amount of \$142.00 for mental health and substance abuse for fiscal year 2009-2010, due to miscommunication. 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.

WITHDRAWING SECURITY

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

RESOLUTION 2009-33

RESOLVED, that the Cornerstone Bank., Geneva, Nebraska, be allowed to withdraw the following security held by Union Bank & Trust Company to-wit:

CUSIP #727771FE2 in the amount of \$95,000.00

Upon roll call, the vote as follows:

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

The Chairman declared the resolution adopted.

OCCUPY COUNTY RIGHT-OF-WAY

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

Windstream Nebraska, Inc. – install communication line between the SE ¼, Section 13-7-4, Bennett Township and the SW ¼, Section 18-7-3, Geneva Township. Windstream Nebraska, Inc. agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required. 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.

STOP SIGN AT RAILROAD CROSSING

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

RESOLUTION 2009-34

In accordance with the standards set forth in the Manual on 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 locations:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the railroad crossing on Road 11 between Hwy. 6 and Road E, stopping south bound traffic

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this request is approved this 22nd day of September 2009.

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.

ANNUAL REPORT

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

The Chairman declared the motion carried.

NUISANCE TREES

After discussion, Capek moved and Galusha seconded the motion to declare the trees along Road 17 between Hwy. 6 & Road G and Road F between Road 17 & Road 18 a nuisance. 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.

TRIM TREES

After discussion, Galusha moved and Simacek seconded the motion to trim the trees between Sections 9 and 10, Grafton 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.

MOTOR GRADER BIDS

Bids for a new motor grader were opened at 9:45 a.m. as advertised. The following bids were received:

<u>Bidder</u>	<u>Make/Model</u>	<u>Cash Price</u>	<u>Trade-In Price</u>
NMC, Inc., Lincoln	2007 Cat / 12H	\$152,168.00	\$104,168.00
NMC, Inc., Lincoln	2010 Cat / 12M	\$188,784.00	\$140,784.00
Scott Van Keppel, Omaha	2008 Volvo / G930	\$172,139.00	\$138,139.00
Titan Machinery, Lincoln	2009/10 Case / 865VHP	\$201,113.00	\$149,113.00
Murphy Tractor, Grand Island	2009 John Deere / 770G	\$199,060.00	\$146,060.00
Murphy Tractor, Grand Island	2009 John Deere / 670G	\$188,772.00	\$135,772.00
Murphy Tractor, Grand Island	2007 John Deere / 672D	\$165,953.00	\$112,953.00

After discussion, Kimbrough moved and Cerny seconded the motion to accept all bids and have the Road's Department go and inspect the used Cat 12H and the John Deere 672D and report back to the October 13th Board meeting for a final decision. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PUBLIC HEARING FOR BRIDGE REPLACEMENT CHELSEA TOWNSHIP

Public hearing was opened at 10:18 a.m. as advertised to hear public comments regarding replacement of a bridge on the east side of Section 36, Chelsea Township. No one appeared to testify for or against this project, Highway Superintendent had received a few phone calls, hearing closed at 10:35 a.m.

HUBER SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Huber Subdivision, located in the SE ¼, Section 7-8-4, Grafton Township.

Cerny moved and Galusha seconded the motion to approve the plat for the Huber Subdivision as follows:

A tract of land comprising a part of the SE ¼ of Section 7, township 8 north, range 4 west of the 6th P.M., Fillmore County, Nebraska, described as follows: beginning at the SE corner of said SE ¼, and assuming the south line of said SE ¼ to have a bearing of N89°26'44"W; thence N89°26'44"W, and on the south line of said SE ¼, 459.05 feet to a ¾" rebar w/cap; thence N01°25'27"W, 254.11 feet to a ¾" rebar w/cap; thence N03°47'47"E, 175.68 feet to a ¾" rebar w/cap; thence N16°27'56"E, 269.92 feet to a ¾" rebar w/cap; thence S89°12'53"E, 375.90 feet to a ¾" rebar w/cap on the east line of said SE ¼; thence S00°06'42"E, and on the east line of said SE ¼, 687.46 feet to the point of beginning and containing 7.00 acres more or less of which 0.84 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.

DITCH CLEANING GRAFTON TOWNSHIP

After discussion with Deputy County Attorney Howard Ach, Mueller moved and Galusha seconded the motion to retract charges for cleaning the ditch in the NE ¼, Section 18, Grafton Township and have the County Attorney’s office send a letter to landowners attorney. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

After further discussion, the Board directed the Deputy County Attorney to write a letter to the landowner’s attorney and inform them that invoices are due for the ditch cleaning that the County Road’s Department did earlier this spring pursuant to Nebraska Statute.

SALE OF BUILDING IN EXETER

The sale of lot 272 and the south ½ of lot 271, original town in Exeter opened at 1:15 p.m. as advertised. Bid received from Farmer’s Cooperative Company in the amount of \$4,000.00.

Cerny moved and Kimbrough seconded the motion to accept the bid for the Noxious Weed Building in Exeter in the amount of \$4,000.00. County Attorney’s office will draw up the deed to transfer the land and will get title insurance. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items “budget request from SENDD & juvenile diversion” were tabled until a future Board meeting. As there were no other items to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:10 a.m., October 13, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:18 a.m., October 13, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk and Deputy County Clerk were present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 12:11 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the September 22, 2009 Board meeting.

CUSTODIAL UPDATE

Terri Volkmer, Custodian informed the Board that Eletech, Inc. had given us a bid for elevator services. After review of bid and services, Terri recommended that we stay with O'Keefe Elevator for the repairs and the Board agreed.

FEE REPORTS

Kimbrough moved and Capek seconded the motion to approve the fee reports for September 2009:

County Clerk: \$5,507.42 (State \$2,695.08 & County \$2,812.34)

Sheriff: \$2,664.26

Clerk of District Court: \$1,942.12

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.

WITHDRAWING SECURITY

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

RESOLUTION 2009-35

RESOLVED, that the First National Bank, Exeter, Nebraska, be allowed to withdraw the following security held by Midwest Independent Bank to-wit:

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

Upon roll call, the vote as follows:

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

Nays: None

Absent: Capek

The Chairman declared the resolution adopted.

BLUE VALLEY COMMUNITY ACTION

Kimbrough moved and Galusha seconded the motion to appoint Albert Simacek representative on the Blue Valley Community Action board and Ray Capek as the alternate beginning November 1, 2009 and ending November 30, 2012. Upon roll call, the vote was as follows:

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

Nays: None

Abstaining: Capek and Simacek

The Chairman declared the motion carried.

DRIVEWAY PERMITS

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

Jeff & Cindy Moyle – install a culvert in the SE ¼, Section 5-7-2, Madison Township;

Richard Janing – widen an existing driveway to 50' in the SW ¼, Section 13-6-3, Stanton Township;

Charles Nelson – widen an existing driveway to 40' in the NW ¼, Section 34-5-4, Bryant Township;

Dan Swartzendruber – install a new driveway in the SE ¼, Section 22-5-3, Hamilton Township.

Upon roll call, the vote was as follows:

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

Nays: None

Abstaining: Simacek

The Chairman declared the motion carried.

CLEAN SILT PERMIT

Mueller moved and Simacek seconded the motion to approve the following clean silt permit:

Schelkopf Farms – clean silt along the east side of the NE ¼, Section 2-5-3, Hamilton 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.

OCCUPY COUNTY RIGHT-OF-WAY

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

William A. Hofmann – install electric line on the west side of the SW ¼, Section 6-8-4, Grafton Township into Clay County. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required.

Windstream Nebraska, Inc. – install communication cable between Sections 21 and 28-5-2, Belle Prairie Township. Windstream Nebraska, Inc. agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required.

Denise Barth & Deann Benningfield – install an electrical line between the SE ¼, Section 25-7-4, Bennett Township and the SW ¼, Section 30-7-3, Geneva Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required.

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.

MADISON DRAINAGE ISSUE

Dick Kohler, Kent Theobald, Gean & Marlene Buerer with their attorney LeRoy Sievers attended the discussion regarding placing a culvert on the west side of the intersection of County Road J and Road 16.

After discussion, Mueller moved and Capek seconded the motion to proceed in placing a culvert on the west side of County Road J and Road 16, Madison Township. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

PICKUP BIDS

Bids for a pickup were opened at 10:13 a.m. The following bids were received:

<u>Bidder</u>	<u>Make/Model</u>	<u>Cash Price</u>	<u>2005 Chevy Trade-In Price</u>	<u>1989 Dodge Trade-In Price</u>
Performance Jeep Dodge	2009 Dodge SLT Ram	\$33,964.00	\$29,964.00	\$33,464.00
Performance Jeep Dodge	2009 Dodge ST Ram	\$34,237.00	\$30,237.00	\$33,737.00
Friesen Chevrolet	2010 Chevrolet LT1	\$26,388.00	\$18,888.00	\$25,988.00
Erdkamp Motors, Inc.	2010 Dodge ST Ram	\$24,777.00	No Bid	No Bid
Erdkamp Motors, Inc.	2010 Dodge SLT Ram	\$27,095.00	No Bid	No Bid
Husker Auto Group	2009 Chevrolet Silverado	\$26,799.77	\$20,799.77	\$26,399.77

After discussion, Cerny moved and Kimbrough seconded the motion to accept all bids and request the Highway Superintendent to review all bids and bring a recommendation back to the next Board meeting. 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.

MOTOR GRADER LETTING

All bids were opened at the September 22nd Board meeting. Highway Superintendent, Elmer Hessheimer presented the Board with two options: 1) purchase the used Cat 12H with the snow plus tires and three year extended warranty, and 2) purchase the new John Deere 770G with the five year extended warranty. Chad McDaniel with NMC and Justin Pape with Murphy Tractor were present for the discussion.

After discussion, Galusha moved and Simacek seconded the motion to purchase the new John Deere 770G with five year extended warranty including trading in the 1995 Cat 140G for \$152,560.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

MOTOR GRADER LETTING

Mueller moved and Capek seconded the motion to purchase the used 2007 Cat 12H with snow plus tires and three year extended warranty including trading in the 1995 Cat 140G for \$121,948.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

RESPONSIBLE CHARGE PERSON

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

RESOLUTION 2009-36

WHEREAS, Fillmore County has a full-time public employee on staff, or has obtained the services of a public employee who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

WHEREAS, the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

Full - time public employee means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

Public employee means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

Responsible charge means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA’s point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner’s interests in the delegated technical tasks.

Be It Resolved, by the Board of Supervisors of Fillmore County that Elmer Hessheimer, Fillmore County Highway Superintendent is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number BRO-7030(33), NDOR Control Number 42436, Geneva East.

Fillmore County assures and agrees that:

- 1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 2) The RC is a full-time public employee.
- 3) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
- 5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 6) It will provide necessary office space, materials and administrative support for the RC.
- 7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
- 8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
- 9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
- 12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

Fillmore County understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- f) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the

- project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

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.

DITCH CLEANING GRAFTON TOWNSHIP

After discussion, Mueller moved and Galusha seconded the motion to withdraw the claim against the landowners of the NE ¼, Section 18, Grafton Township for the Road's Department cleaning the ditches due to policy clarification and to direct the Deputy County Attorney to write the landowners and their attorney regarding this matter. 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.

POSTAGE MACHINE

Deputy County Attorney, Howard Ach informed the Board that he had received an offer from Axis Capital of \$11,548.04 to complete the lease of the postage machine.

After discussion, Mueller moved and Cerny seconded the motion to direct the Deputy County Attorney to make them a counter offer of half the original bill of \$16,497.20 and return the postage machine to them. Upon roll call, the vote was as follows:

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

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, Uti	3,277.19
Lanny Ackerman	Mtgs, Mile	126.00
Adams County Sheriff	Ser	33.00
Ameritas Life Insurance Corp.	Ret	5,531.10
Auto Value Parts Stores	Sup	86.19
Michael Bennett	Ser	59.80
Jason Bespalec, MD	Ser	20.00
Peggy Birky	Sup	18.48
Black Hills Energy	Uti	53.25
Blue Valley Community Action	Budget Request, Rural Transit	7,452.00
Bottorf & Maser, Atty.	Ser, Mile	778.75
Business Telecommunication Systems, Inc.	Rep, Sup	359.00
C & C Extinguisher Service	Ser	9.25
Century Lumber Center	Sup	17.60
Brett Chaney	Ser	60.00
Drew Chaney	Ser	84.40
City of Geneva	Uti	624.90
Constellation Energy	Uti	2.64
Contryman Associates, P.C.	Ser	5,075.00
Virginia Conway	Sup	89.42
Jill R. Cunningham	Mile, Meals	87.33
Dakota County Court	Ser	1.25
Dawson County Sheriff's Office	Ser	25.00
Dollar General Store	Sup	37.85

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Douglas County Sheriff	Ser	19.74
Duckwall – Alco Stores, Inc.	Sup	36.94
Eakes Office Plus	Sup	1,345.08
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	95.20
Environmental Systems Research Inst., Inc.	Sup	400.00
Erdkamp Motors	Main	36.00
Executive Copier Services	Ser	93.92
Family 1 st of Geneva	Ser	617.00
Fillmore County Clerk of District Court	Fees	167.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Hospital	Ser	169.60
Fillmore County Medical Center	Ser	78.00
Fillmore County Treasurer	Taxes, Wksh, Post	232,189.05
First Concord Benefits Group, LLC	Ser	204.05
The Garbage Co., Inc.	Ser	134.28
Geneva State Bank	SS	5,768.05
Geneva Super Foods	Sup	39.08
Geneva TV & Appliance, Inc.	Rep	99.43
Tony Godown	Ser	60.00
John Griess	Mtgs, Mile	58.60
Matt Harre	Mtgs, Mile	80.20
Hasler Financial Services	Ser	152.37
Amy M. Heath	Ser	57.60
Heath, Inc.	Rep	250.00
Hillyard / Sioux Falls	Sup	250.00
Hilty's	Sup	13.96
Mathieu L. Hinze, MD	Ser	104.70
Holiday Inn Express	Lodging	70.00
Hometown Leasing	Ser	524.85
Hope Crisis Center	Budget request	2,142.00
Jill's Sweet Shop	Meals	209.01
Juror Fees	Ser	4,153.99
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,885.00
Lafayette Life Insurance Company	Insur	142.45
Lancaster County Sheriff	Ser	7.16
Lease Consultants Corp.	Ser	498.00
Lichti Oil	Fuel	29.60
Madison National Life	Insur	10.68
Tom Manning	Mtgs, Mile	74.70
Maximus, Inc.	Ser	2,537.50
Microfilm Imaging Systems, Inc.	Ser	128.00
MIPS, Inc.	Ser	2,497.01
Mark Morgan	Mtgs, Mile	84.60
Morley Most	Mtgs, Mile	126.00
Naomi Mussman	Lodging, Mile	292.23
Marvin Nadherny	Mtgs, Mile	80.20
Nebraska Association of County Officials	Wksh	45.00
Nebraska Fire Sprinkler Corp.	Main	945.00
The Nebraska Signal	Ads, Subscription, Sup	1,032.06
Merle Noel	Mtgs, Mile	42.10
Reggie Noel	Mtgs, Mile	21.05
Norrie Construction	Rep	56.71
Northeast Nebraska Juvenile Services	Boarding Inmate	1,976.25
Lyndsey Pohlmeier	Mile	169.40
Ralph's Geneva Tire & Service Center	Main, Rep, Sup	935.24
Region V Services	Budget request	2,952.25
Region V Systems	Ser, budget request	11,169.00
Saline County Sheriff	Ser	135.50
Sleuth Software	Ser	892.50
Spencer Fane Britt & Browne, LLP	Ser	542.00
State of Nebraska AS Central Finance	Ser	448.00
Allen Stuckey	Mtgs, Mile	58.60
Total Funds by Hasler	Postage	700.00
UN-L IS-Telecommunications	Uti	11.87
US Bank, CPS	Meals, Rep, Wksh	2,389.25
USDA, APHIS	Ser	1,871.75
Brandy VanDeWalle	Lodging, Meals, Mile	549.70
Darlene Vodicka	Mile	21.45
Brandi S. West	Ser	20.00
Brant West	Ser	86.40
Maschell West	Ser	57.60
Eric Williams	Mile, Meals, Post	196.99
Windstream	Uti	1,402.50
York County Court	Ser	18.50
York County Sheriff	Ser	38.00
Payroll	Salaries	80,083.87

ROAD/BRIDGE FUND:

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Ace Agri Supply	Parts	17.60
Action Auto Supply	Parts, Sup	132.05
All Roads Barricade, Inc.	Sup	131.15
Alltel	Uti	87.16
Ameritas Life Insurance Corp.	Ret	3,204.81
Andrews Electric Co., Inc.	Rep	69.85
Ace Agri Supply	Parts	17.60
Action Auto Supply	Parts, Sup	132.05
All Roads Barricade, Inc.	Sup	131.15
Alltel	Uti	87.16
Andrews Electric Co., Inc.	Rep	69.85
Auto Value Parts Stores	Parts, Sup	151.14
Biegert Construction Company	Building	22,355.00
Black Hills Energy	Uti	61.54
Jo Ann Bowlus, Trustee	ROW, Easement	1,420.00
C & C Extinguisher Service	Sup	176.45
Century Lumber Center	Parts	48.17
Kathryn C. Chromy & Kenneth G. Chromy	ROW, Easement	605.00
City of Geneva	Uti	57.00
Conney Safety Products	Sup	38.49
Corner Stop	Fuel	1,905.40
Dorchester Farmers Coop	Fuel	2,465.78
Farm Plan	Parts	155.60
Fillmore County Court	ROW, Easement	14,472.00
Fillmore County Hospital	Ser	52.00
Fillmore County Treasurer	Wksh	36.00
Filter Care of Nebraska	Parts	47.20
Gary A. Fitzgibbon	ROW, Fencing	3,362.00
The Garbage Company	Ser	78.76
Geneva Implement	Parts	60.30
Geneva State Bank	SS	3,464.94
Geneva Welding & Supply, Inc.	Sup	47.50
Grafton Mini Mart	Fuel	62.48
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Parts	2,556.15
Michl Service	Fuel	86.00
Nebraska Iowa Industrial Fasteners	Sup	102.27
The Nebraska Signal	Ads, Misc.	46.20
NMC Exchange, LLC	Parts, Sup, Rep	18,299.25
Nichols Construction	Gravel	41,366.45
Overland Sand & Gravel	Gravel	13,401.61
Perennial Public Power	Uti	77.68
Power Plan	Parts	372.84
R & D Parts, LLC	Parts	14.86
Ralph's Geneva Tire & Service	Rep	74.10
Marvin R. & Peggy Roit, Trustee	ROW	580.00
Roit Repair	Rep	45.25
Shell Fleet Plus	Fuel	601.06
Speece Lewis Engineers	Ser	792.00
Superior Deshler, Inc.	Fuel	37.62
US Bank, CPS	Post	19.40
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	17.25
Village of Grafton	Uti	21.07
Village of Milligan	Uti	24.26
Village of Shickley	Uti	255.60
Zep Manufacturing	Sup	195.54
Payroll	Salaries	47,611.86
<u>MEDICAL/RELIEF FUND:</u>		
Bryan LGH Medical Center	Ser	1,130.32
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	267.72
Janet Bartek	Mile	122.65
Dawg's Café	HDM's	201.50
Exeter Care Center	HDM's	290.00
Exeter Senior Center	USDA, LAAA	283.63
Fairmont Aging Services	USDA, LAAA	1,966.60
Geneva Senior Center	USDA, LAAA, Rent	3,057.52
Geneva State Bank	SS	343.18
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	120.00
Lafayette Life Insurance Company	Insur	9.00
Brenda Motis	Mile	142.45
Ramada Inn	Wksh	70.00
Ron's Tavern	HDM's	145.00
Rhonda Stokebrand	Mile	143.01
US Bank, CPS	Sup	40.89

Payroll	Salaries	October 13, 2009 4,518.98
<u>INHERITANCE TAX FUND:</u>		
Countryside Vet Clinic	Ser	823.27
J Bar D Inc.	Mile, Ser	652.00
<u>ETHANOL PLANT ROAD BOND FUND:</u>		
UMB Bank, NA	Interest	6,240.00
<u>HOSPITAL OPERATING FUND:</u>		
Fillmore County Hospital	Sept. Taxes	12,820.45
<u>NOXIOUS WEED FUND:</u>		
Alltel	Uti	38.55
Ameritas Life Insurance Corp.	Ret	163.19
Biegert Construction Company	Building	22,000.00
City of Geneva	Uti	8.20
Cottonwood Title Company	Ser	125.00
Gaylord Craddock	Mile	37.40
Geneva State Bank	SS	208.31
Grafton Mini Mart	Fuel	154.93
Frances Heinrichs	Mile	56.10
Ron Isley	Mile	28.60
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	285.01
Nebraska Association of County Officials	Wksh	120.00
The Nebraska Signal	Ads	101.51
Leonard Oldehoeft	Mile	26.40
Payroll	Salaries	2,732.55
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	149.98
Windstream	Uti	895.23

CLAIMS APPROVED

Kimbrough moved and Cerny 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.

MAXIMUS COST ALLOCATION PLAN

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

The Chairman declared the motion carried.

ADJOURNMENT

As there were no other items to come before the Board, Simacek moved and Mueller seconded the motion to adjourn until 9:10 a.m., October 27, 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.

_____	_____
Attest	Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:05 a.m., October 27, 2009, 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. 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 1:38 p.m.

JAIL INSPECTION

Jail inspection was completed before the Board meeting. The Board would like the Sheriff to hire a contractor to inspect the cells to determine the best way to solve the paint peeling problem.

MINUTES APPROVED WITH CORRECTION

After discussion, Simacek moved and Cerny seconded the motion to correct minutes from the October 13th adding that they accepted Terri Volkmer's resignation effective October 30th. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

ELECTRONIC RECYCLING WITH RC & D

Patt Lentfer with Fillmore County Development Corp. presented information to the Board that along with Trailblazers RC & D would like to have an electronic recycling collection center. After discussion, the Board agreed that they would agree to have an electronic recycling collection center in Geneva, more information to follow.

COMPREHENSIVE PLAN

The Comprehensive Development Plan for the County expires this year. After discussion with Patt Lentfer and the Board it was decided to advertize for a letting on December 8th at 10:30 a.m. Bid requests will be sent out to several consultants.

NOXIOUS WEED BOARD REQUEST

Todd Boller, Noxious Weed Superintendent, Frances Heinrichs, Chairperson of Noxious Weed Board, Ron Isley, Leonard Oldehoeft, and Darlene Vodicka, Noxious Weed Board members were present for discussion. Noxious Weed Board is requesting the possibility of needing additional budget request for a pickup, flatbed, ATV, and trailer.

After discussion, Cerny moved and Galusha seconded the motion to authorize the Noxious Weed Board/Superintendent to purchase a pickup, flatbed, ATV, and trailer and if needed the Board will provided extra money if budget goes over. Upon roll call, the vote was as follows:

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

Alfs Farms – install two new 40' driveways on the north and east side of the NE ¼, Section 31-6-4, Momence Township and add a culvert to the driveway on the southeast corner of the NE ¼, Section 31-6-4, Momence Township;

Alfs Farms – install a new 40' driveway on the north side of the NE ¼, Section 14-5-4, Bryant 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.

CLEAN SILT PERMIT

Mueller moved and Simacek seconded the motion to approve the following clean silt permit:

Robert E. Bettger – clean silt from the north side of the NE ¼, Section 25-8-3, West Blue Township.

The Chairman declared the motion carried.

After discussion, Cerny moved and Kimbrough seconded the motion to purchase the 2010 Chevrolet LT1 from Friesen's Chevrolet for \$26,388.00 with no trade-in. Upon roll call, the vote was as follows:

The Chairman declared the motion failed.

Mueller moved and Simacek seconded the motion to purchase the 2010 Dodge SLT Ram from Erdkamp Motors, Inc for \$27,095.00 with no trade-in. 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 contracting with Glengary Township to maintain the 7 ½ miles of township road in January 2011 at the current rate. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Christin Lovegrove, attorney for Frederick Nunns, Jr. presented a letter prior to the Board meeting regarding the condemnation action instituted by Fillmore County Court on September 30th, requesting an additional award for the permanent easement. Christin Lovegrove, Frederick Nunns, Jr., and Daniel Werner, attorney for the County were present for discussion.

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

The Chairman declared the motion carried and requested that the Highway Superintendent, County Clerk, and Daniel Werner, Attorney remain. Executive session began at 10:30 a.m.

Mueller moved and Cerny seconded the motion to return to open session at 10:47 a.m. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Paul Utemark, CEO for the Fillmore County Hospital presented an update on the hospital.

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

RESOLUTION 2009-37

The County Board of Supervisors of Fillmore County, having met on the 27th day of October, 2009, hereby authorize the County Board Chairperson to sign on behalf of the County, the “Nebraska Local Public Agency Interlocal Cooperation Act Agreement” for a project identified as NDOR Project #ENH-30(13), NDOR Control #42479, Warner Filling Station/Tourism Center.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

INTERLOCAL AGREEMENT FOR RC PERSON

Mueller moved and Cerny seconded the motion to approve the Nebraska Local Public Agency Interlocal Cooperation Act Agreement with the City of Geneva to allow Elmer Hessheimer to be the Responsible Charge (RC) person regarding NDOR Project #ENH-30(13), NDOR Control #42479, Warner Filling Station/Tourism Center. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CONDEMNATION AGREEMENT

After discussion between Daniel Werner, Christin Lovegrove and Fredrick Nunns, Jr. an acceptable deal was reached by each party. The deal consists of an additional \$3,528.00, the County moving one driveway and widening another driveway, and removing the trees and stumps in the permanent easement located on the North side of the NE ¼ in section 12, Stanton Township.

After further discussion, Mueller moved and Galusha seconded the motion to accept the deal and authorize the Chairman to sign the agreement detailing out the terms of the sale by the condemnation appeal date. Upon roll call, the vote was as follows:

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

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.	Sup	51.10
Alltel	Uti	523.99
Ameritas Life Insurance Corp.	Ret	2,764.01
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	635.60
Blue Cross Blue Shield of Nebraska	Insur	17,685.76
William L. Burgess	Uni, Meals	101.63
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
City of York	Ser	3,317.00
Corner Stop	Fuel	202.13
Dodge County Sheriff	Ser	6.00
Eakes Office Plus	Sup	221.33
Fillmore County Medical Center	Ser	1.16
Fillmore County Treasurer	Wksh, Misc.	31.86
First Concord Benefits Group, LLC	Ser	2,073.11
Galls	Sup	42.97
Gambles	Sup	175.20
The Garbage Company	Ser	27.35
Geneva State Bank	SS	2,888.67
Geneva Super Foods	Sup	411.96
Norma Gregory	Ret	25.00
Robert Hester	Uni	35.00
Hometown Leasing	Ser	128.44
Steve Julich	Uni, Post	42.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,670.19
Kerry’s Auto Repair & Service	Main	38.15
Stephen J. Kraviec	Ser, Post	1,699.03
Loup Valley Lighting, Inc.	Sup	752.03
Lynn Peavey Company	Sup	28.35

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Ann H. McDonald	Ret	18.00
Rich Mueller/Thomas Biegert	Rent	650.00
National Association of Counties	Dues	400.00
Nebraska Public Power District	Uti	2,153.28
Amy Nelson	Mile	86.35
Northeast Medical Imaging, PC	Ser	48.00
O'Keefe Elevator Company, Inc.	Main	225.00
Dawn Opfer	Sup	26.71
Platte Valley Communications of Hastings	Rep	160.00
Steven G. Roemmich	Uni, Meals	62.85
Kirk Rust	Uni	35.00
Shell Fleet Plus	Fuel	1,884.47
Spencer Fane Britt & Browne, LLP	Ser	276.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Public Health Env. Lab.	Ser	84.00
Thayer County Treasurer	Sup	1,694.98
Ultramax	Sup	642.00
Weaver Pharmacy	Sup	247.06
Daniel L. Werner, Atty.	Ser, Mile, Post	3,387.59
Eric Williams	Post, Mile	157.99
Williams Exterminating, Inc.	Ser	110.00
Windgate by Wyndham	Lodging	206.85
York County Sheriff	Boarding Prisoner	1,105.00
Payroll	Salaries	80,083.87
<u>ROAD/BRIDGE FUND:</u>		
Ameritas Life Insurance Corp.	Ret	1,596.57
Barco Municipal Products	Sup	322.32
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Dorchester Farmers Coop	Fuel	1,088.55
Farm Plan	Parts, Rep	132.65
Geneva State Bank	SS	1,768.26
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	120.94
Dean Harrison	Equip. Rent	2,000.00
Hireright Solutions, Inc.	Ser	89.70
Donovan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Sup	40.00
Lichti Oil	Fuel	1,054.56
Nebraska Association of County Officials	Wksh	120.00
Nebraska Public Power District	Uti	299.75
Newman Traffic Signs	Sup	754.54
NMC Exchange, LLC	Parts	250.21
Office Depot	Sup, Equip	516.84
Perennial Public Power	Uti	47.46
Speece Lewis Engineers	Ser	7,369.75
Village of Ohioa	Uti	20.00
Windstream	Uti	143.85
Payroll	Salaries	47,611.86
<u>MEDICAL/RELIEF FUND:</u>		
Farmer & Son Funeral Home, Inc.	Ser	2,920.00
<u>INSTITUTIONS FUND:</u>		
State of Nebraska Health & Human Ser.	Sept. Patient Care	90.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	134.63
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Judy Dondlinger	Ser, Sup	166.88
Exeter Senior Center	USDA	32.49
Fairmont Aging Services	USDA	209.76
Geneva Senior Center	USDA	611.61
Geneva State Bank	SS	168.38
Jeannine Krejci	Ser	96.00
Bette Mattox Manning	Ser	132.00
Shell Fleet Plus	Fuel	51.71
Windstream	Uti	150.43
Payroll	Salaries	4,518.98
<u>INHERITANCE TAX FUND:</u>		
Fillmore County Treasurer	Loan	22,000.00
Gloystein Veterinary Clinic	Ser	127.50
J Bar D, Inc.	Ser	1,951.00
Dean Olson	Ser	4,240.00
<u>COURTHOUSE ROAD BOND FUND:</u>		
UMB Bank, NA	Principal & Interest	82,301.25

ROAD BOND FUND:

UMB Bank, NA	Principal & Interest	78,641.25
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NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	79.08
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	89.25
Payroll	Salaries	2,732.55

E911 COMMUNICATIONS FUND:

Windstream	Uti	117.84
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CLAIMS APPROVED

Kimbrough 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, Cerny, and Mueller
Nays: None

The Chairman declared the motion carried.

BUFFALO COUNTY CLAIM

After discussion, Simacek moved and Galusha seconded the motion to deny the general assistance claim that was submitted from Buffalo County for \$200.60. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SURPLUS

Kimbrough moved and Cerny seconded the motion to declare the 2001 Ford Crown Victoria and two code 3 light bars as surplus. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

WITHDRAWING SECURITY

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

RESOLUTION 2009-38

RESOLVED, that the Geneva State Bank, Geneva, Nebraska, be allowed to withdraw the following security held by Wells Fargo Bank, N.A. to-wit:

CUSIP #305288BP6 in the amount of \$25,000.00

Upon roll call, the vote as follows:

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

The Chairman declared the resolution adopted.

WITHDRAWING SECURITY

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

RESOLUTION 2009-39

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

CUSIP #287742JB7 in the amount of \$100,000.00

Upon roll call, the vote as follows:

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

The Chairman declared the resolution adopted.

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:15 a.m., November 10, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, and Galusha. Capek was absent and Mueller left at 11:45 a.m. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 5:05 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the October 27, 2009 Board meeting.

FEE REPORTS

Simacek moved and Mueller seconded the motion to approve the fee reports for the month of October:

County Clerk: \$5,452.01 (\$2,843.83 State & \$2,608.18 County)

Clerk of the District Court: \$2,125.95

County Sheriff: \$1,240.74

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

EMERGENCY MANAGER

Terry Marshall gave the Board his resignation effective November 10, 2009. Terry gave an update to the Board as to where his office stands at this time. Terry's wife Carol was present for this discussion.

Kimbrough moved and Cerny seconded the motion to accept Terry Marshall's resignation effective November 10, 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.

CASE REGARDING HORSES

Jill Cunningham, County Attorney informed the Board where the case regarding the abandoned horses was at this point since the Judge determined Mr. Graves to be incompetent to stand trial

CONSULTANT SELECTION FOR FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION FOR FEDERAL AID PROJECTS

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

RESOLUTION 2009 - 40

WHEREAS, certain transportation facilities (roads, streets, trails, and others) in Fillmore County has been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS, Fillmore County desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS, The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS, Fillmore County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the Consultant Selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems; and

WHEREAS, Fillmore County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Fillmore County being required to repay some or all of the federal funds expended for a project(s).

BE IT RESOLVED, The Fillmore County Board of Supervisors does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the

LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

BE IT FURTHER RESOLVED, The Fillmore County Board of Supervisors does hereby designate the following as responsible for the management of the following processes:

Consultant Selection process: Chairman of the Fillmore County Board of Supervisors

The National Environmental Policy Act (NEPA): Chairman of the Fillmore County Board of Supervisors

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): Chairman of the Fillmore County Board of Supervisors

The following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: Steve Yates – Chairman of the Board

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

RESPONSIBLE CHARGE JOB DESCRIPTION

After discussion, Mueller moved and Cerny seconded the motion to accept the Responsible Charge (RC) job description. Upon roll call, the vote was as follows:

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

Howard F. Ach, Atty.	Rent, Post, Uti	3,275.38
Action Auto Supply	Rep	10.70
Adams County Sheriff	Ser	23.40
Ameritas Life Insurance Corp.	Ret	2,668.89
Auto Value Parts Stores	Rep	39.98
Joseph N. Bixby, DR	Ser	836.00
Black Hills Energy	Uti	304.69
Bottorf & Maser, Atty.	Ser, Mile	692.50
Business World Products	Sup	224.18
City of Geneva	Uti	229.70
Constellation Energy	Uti	49.28
Consultants In Infectious Disease	Ser	113.40
Corner Stop	Fuel	225.87
Dallas County Sheriff's Office	Ser	11.12
Des Moines Stamp	Sup	79.25
Dodge County Sheriff	Ser	19.16
Duckwall – Alco Stores, Inc.	Sup	22.78
Dugan Business Forms	Sup	175.98
Eakes Office Plus	Sup, Equip	987.35
Earls Window Service	Ser	5.00
Executive Copier Services	Ser	48.98
Fillmore County Hospital	Ser	69.60
Fillmore County Medical Center	Ser	110.25
Fillmore County Treasurer	Taxes, Witness Fees	8,445.33
First Concord Group, Inc.	Ser	177.00
Geneva State Bank	SS	2,786.06
Germer, Murray & Johnson, Atty.	Ser, Mile	1,603.25
Heritage Crossings	Mile	181.00
Holiday Inn	Lodging	218.00
Hometown Leasing	Ser	524.85
Jim's Repair	Rep	1,223.55
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,204.00
Lafayette Life Insurance Co.	Insur	164.95
Lancaster County Sheriff	Ser	80.12
Lichti Oil	Fuel	43.40
Microfilm Imaging Systems, Inc.	Ser	64.00

November 10, 2009

Midwest Mailing Systems, Inc.	Sup	155.95
Madison National Life	Insur	10.68
MIPS, Inc.	Ser, Sup	2,919.08
Nebraska Association of County Officials	Wksh	150.00
The Nebraska Signal	Pro, Ads, Sup	986.36
Amy Nelson	Mile	97.90
Norrie Construction	Rep	141.83
Mark D Pinkerton, DDS	Ser	35.00
Ralph's Geneva Tire & Service	Rep, Main	250.95
Seiler & Parker, P.C.	Ser, Mile	362.80
Sirchie Finger Print Laboratories	Sup	57.38
State of Nebraska AS Central Finance	Ser	448.00
Secretary of State Rules & Regulations	Sup	20.00
University of Nebraska – Lincoln	Salary	2,156.22
US Bank CPS	Meal, Lodging	370.57
Weaver Pharmacy	Sup	356.76
Daniel L. Werner, P.C., L.L.O	Ser	144.00
Windstream	Uti	229.68
York County Sheriff	Boarding Prisoner, Ser	1,579.00
York Medical Clinic	Ser	44.89
York News Times	Ad	173.75
Payroll	Salaries	38,640.87

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp	Ret	1,595.28
Auto Value Parts Stores	Parts, Sup	509.31
B & J Automotive	Rep	166.73
Baum Hydraulics	Parts	13.50
Black Hills Energy	Uti	143.53
Century Lumber Center	Sup	113.11
City of Geneva	Uti	63.40
Corner Stop	Fuel	95.30
Dorchester Farmers Coop	Fuel	3,916.10
Fillmore County Court	Ser	1,275.00
Fillmore County Shop – Petty Cash	Post, Rep	30.75
Filter Care of Nebraska	Parts	93.60
Geneva State Bank	SS	1,743.86
Geneva Welding & Supply, Inc.	Parts, Rep, Sup	1,143.88
Grafton Oil	Sup	472.47
Elmer Hessheimer	Sup	15.94
Jill's Sweet Shop	Misc.	22.50
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Parts, Sup	2,483.67
Nebraska Iowa Industrial Fasteners	Sup	102.10
Nichols Construction	Gravel	86,562.20
Nick's Farm Store	Equip, Rep	1,063.40
Larry S. Nun	Easement	25.00
Overland Sand & Gravel	Gravel	5,505.60
Perennial Public Power	Uti	31.02
Power Plan	Parts	50.28
R & D Parts	Parts, Sup	426.72
Ralph's Geneva Tire & Service Center	Sup, Rep	5,321.63
Shell Fleet Plus	Fuel	113.95
Kyle A. Svec	Easement	25.00
Titan Access Account	Parts	136.92
US Bank CPS	Post	38.50
Verizon Wireless	Uti	83.77
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Weaver Pharmacy	Sup	12.18
Payroll	Salaries	24,093.88

JUVENILE DIVERSION FUND:

Dave Wythers	Ser	2,355.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.41
Janet Bartak	Mile, Meals	206.30
Dawg's Smokehouse Café	HDM's	214.50
Judy Dondlinger	Ser	156.00
Exeter Care Center	HDM's	190.00
Fillmore County Transit	Mile	45.00
Geneva State Bank	SS	171.98
Susan Kerl	Ser	156.00
Jeannine Krejci	Ser	156.00
Lafayette Life Insurance Company	Insur	9.00
Hometown Leasing	Ser	56.64
Brenda Motis	Mile	81.40
Ron's Tavern	HDM's	110.00

US Bank CPS	Meal, Post, Sup	94.93
Payroll	Salaries	2,264.45

Axis Capital, Inc.	Equip	8,248.60
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Fillmore County Hospital	Oct. Taxes	467.67
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Alltel	Uti	40.83
Ameritas Life Insurance Corp.	Ret	76.68
Todd Boller	Post	8.80
Century Lumber Center	Sup	17.95
City of Geneva	Uit	8.20
Econo Lodge	Lodging	129.00
Geneva State Bank	SS	86.53
Grafton Mini Mart	Fuel	49.98
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	142.00
The Nebraska Signal	Ads	96.60
Payroll	Salaries	1,136.00

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

The Chairman declared the motion carried.

Simacek moved and Mueller moved to approve the bond for James White with the Geneva Rural Fire Protection District beginning November 1, 2009 and ending November 1, 2010. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

After discussion, Mueller moved and Kimbrough seconded the motion to approve and sign the contract with Trailblazers RC & D for the electronic recycling that will be held in Fillmore County later this year. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

The Board interviewed five individuals for the custodian/building and grounds position that is open. After all interviews the Board will meet again on November 18th at 9:00 a.m. to make the final decision. Terri Volkmer was present for all interviews.

Agenda items “Part-time RC person, Title VI Non-discrimination, and Maximus agreement” were tabled to a future Board meeting. As there were no other items to come before the Board, Simacek moved and Galusha seconded the motion to adjourn until 9:00 a.m., November 24, 2009. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., November 18, 2009, 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. Terri Volkmer was also present for this meeting.

Notice of the meeting was given by posting in three locations. 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 10:04 a.m.

CUSTODIAL POSITION

After discussion, Cerny moved and Galusha seconded the motion to offer the Building/Grounds and Custodial position to candidate #4, if they would not accept then offers to candidate #5. Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, and Galusha

Nays: Kimbrough, Mueller, and Yates

The Chairman declared the motion failed.

CUSTODIAL POSITION

Kimbrough moved and Mueller seconded the motion to offer the Building/Grounds and Custodial position to candidate #5, if they would not accept then offers to candidate #4. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, and Yates

Nays: Galusha and Simacek

The Chairman declared the motion carried.

ADJOURN

As there was no other business to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:00 a.m., November 24, 2009. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Galusha, 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 9:00 a.m., November 24, 2009, 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. 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 11:32 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the November 10, 2009 Board meeting.

PUBLIC HEALTH BOARD

Simacek moved and Galusha seconded the motion to appoint Paul Utemark to the Public Health Solutions board to replace Eric Williams who resigned, term to begin immediately and end December 31, 2012. 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.

SAFETY COMMITTEE

Cerny moved and Mueller seconded the motion to appoint Richard Ellison to the Safety Committee to fulfill Terri Volkmer's vacancy, term ending December 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.

SOUTHEAST NEBRASKA REGIONAL EMERGENCY MANAGEMENT GROUP

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

RESOLUTION 2009-41

WHEREAS, the Nebraska Emergency Management Agency and the Nebraska Governors Homeland Security Policy Group act as the State Administrative Agency for Homeland Security within the State of Nebraska, and

WHEREAS, Fillmore County has elected to participate in the Emergency Management and Homeland Security Programs set forth by Federal and State agencies, and

WHEREAS, by participation in said Emergency Management and Homeland Security Programs, Fillmore County is part of a 14-county emergency management region established by the State of Nebraska for purposes including but not limited to Interoperable Communication Planning and System Implementation, Disaster Planning, the Emergency Management, Homeland Security & Interoperable Communications Grant Programs, and other programs as prescribed by State and Federal authorities, and

WHEREAS, by participating in the 14-county Southeast Nebraska Regional Emergency Management Group, Fillmore County must appoint at minimum one person to serve as a member of and participate in the regional governance board 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 Statute and/or policy and procedures of Fillmore County. Such appointment shall be at the pleasure of the governing authority of said County and be perpetual for the duration of the Southeast Regional Governance Board unless the appointee is removed from the position for just cause. Such appointment shall be reviewed each year at the annual organization meeting of the County Board.

The Fillmore County Board of Supervisors does hereby appoint the Fillmore County Emergency Manager Director, Deputy Emergency Manager, and the Fillmore County Sheriff to the Southeast Regional Governance Board to fulfill all duties as required by the regional Emergency Management Group.

This appointment is considered to be retroactive to the commencement of the region.

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.

RURAL APREHENSION PROGRAM

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

RESOLUTION 2009-42

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 20 #09-DA-307); 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 organizations 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 County of Fillmore 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 2009-2010 grant period (RAP 20) will be \$3,317.00 (2000 census 6,634 x \$0.50)

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.

SECTION 125

After discussion, Kimbrough moved and Cerny seconded the motion to have First Concord pay the provider directly once the employee meets the \$500.01 deductible and not the employee effective January 1, 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.

CUSTODIAN INTRODUCTION

Chairman introduced Richard Ellison as the new custodian for the Courthouse.

COUNTY CAR

Effective immediately there will be two county cars that will be available to employees needing to travel on county business.

DRIVEWAY PERMITS

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

Aubrey Saltzman – widen an existing driveway to 40' on the south side of the SW ¼, Section 16-5-3, Hamilton Township;

Saltzman Brothers – widen existing driveway to 40' on the north side of the NW ¼, Section 22-5-3, Hamilton Township;

Kenneth Griess – replace existing driveway on the south side of the SW ¼, Section 4-8-4, Grafton 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.

FLOODPLAIN PERMIT FOR #C003003705

After discussion, Cerny moved and Mueller seconded the motion to approve the floodplain permit for Project #C003003705 between Section 31-6-1, Glengary Township and Section 36-6-2, Chelsea Township. This project will remove the bridge, roadway grading, construct a triple 14'x10' box culvert, erosion control, and seeding. 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.

EROSION CONTROL IN WEST BLUE TOWNSHIP

After discussion, Mueller moved and Capek seconded the motion to approve the erosion control into County ROW on the east side of Section 11, West Blue 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.

TREE TRIMMING IN FRANKLIN TOWNSHIP

After discussion, Cerny moved and Mueller seconded the motion to direct the Highway Superintendent to trim the trees in the County ROW along the east side of County Road 24, between Road S and Highway 74. 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.

CONCRETE BOX CULVERT BIDS

Bids for the following concrete box projects, #C-30(318), Stanton Township and #C003003705, Chelsea Township were opened at 9:45 a.m. as advertised. Tim Farmer with Speece Lewis Engineers was present while opening the bids. The following bids were received (Alternate #1, contractor doing all grading and Alternate #2, County will do the grading):

<u>Bidder on Project #C-30(318)</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Simon Contractors, North Platte, NE	\$150,366.71	\$124,360.82
Van Kirk Brothers, Sutton, NE	\$109,472.54	\$ 86,671.54
TCW Construction Inc., Lincoln, NE	\$122,597.76	\$ 96,818.57
Stephens & Smith Construction Co., Inc., Lincoln, NE	\$134,269.10	\$ 94,392.12
ME Collins Contracting Co., Inc., Wahoo, NE	\$109,923.72	\$ 86,105.22

<u>Bidder on Project #C003003705</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Simon Contractors, North Platte, NE	\$230,318.24	\$173,929.10
Van Kirk Brothers, Sutton, NE	\$178,197.56	\$140,616.66
TCW Construction Inc., Lincoln, NE	\$175,742.66	\$141,034.83
Stephens & Smith Construction Co., Inc., Lincoln, NE	\$192,838.01	\$143,692.84
ME Collins Contracting Co., Inc., Wahoo, NE	\$156,846.79	\$135,469.82

Kimbrough moved and Mueller seconded the motion to accept all bids except the bid from Dobson Brothers Construction due to the fact that it was received at 9:49 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.

CONCRETE BOX LETTING ON PROJECT #C003003705

Tim Farmer with Speece Lewis Engineers reviewed all bids and reported to the Board that all calculations were correct and announced the lowest bidder.

After discussion, Mueller moved and Kimbrough seconded the motion to accept ME Collins Contracting Co., Wahoo, Nebraska with Alternate #1 for \$156,846.79. 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.

CONCRETE BOX LETTING ON PROJECT #C-30(318)

After discussion, Kimbrough moved and Simacek seconded the motion to accept Van Kirk Brothers Construction, Sutton, Nebraska with Alternate #1 for \$109,472.54. 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.

2009 TAXES COLLECTED

Joan Ackland, County Assessor presented the certification for the 2009 taxes to be collected to the Board.

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:

Ameritas Life Insurance Corp.	Ret	3,097.73
Jon Anderson	Uni, Meal	44.94
Aramark Uniform Services, Inc.	Ser	515.41
Blue Cross Blue Shield of Nebraska	Insur	16,580.40
William L. Burgess	Uni, Post	55.75
Daryl L. Callenius	Uni, Meals, Sup	67.14
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Douglas County Sheriff	Ser	23.80
Duckwall – Alco Stores, Inc.	Sup	17.47
Dugan Business Forms	Sup	503.40
Eakes Office Plus	Sup	19.78
Fillmore Central Elementary School	Misc	30.00
Fillmore County Hospital	Ser	2,381.30
Fillmore County Medical Center	Ser	44.85
Fillmore County Sheriff	Fees	594.40
First Concord Group, Inc.	Insur	2,783.95
Gambles	Sup	50.26
The Garbage Company	Ser	161.63
Geneva State Bank	SS	3,255.77
Geneva Super Foods	Sup	409.60
Greeley County Court	Sup	2.50
Norma Gregory	Ret	25.00
Hasler Financial Services, LLC	Ser	152.37
Robert Hester	Uni	35.00
Hometown Leasing	Ser	128.44
Steve Julich	Uni, Post	42.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,656.36
Stephen J. Kraviec	Ser, Post	1,702.48
Lease Consultants Corp.	Ser	249.00
Ann H. McDonald	Ret	18.00
Mel's Automotive	Rep	185.70
Mid-American Research Chemical Corp.	Sup	300.60
Midwest Radar & Equipment, Inc.	Rep	210.00
Rich Mueller / Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Wksh	1,080.00
Nebraska Heart Institute	Ser	153.00
Nebraska Public Power District	Uti	921.12
Pathology Medical Services	Ser	89.18
Platte Valley Communications of Hastings	Sup	85.20
Radiology Associates, PC	Ser	8.22
Steven G. Roemmich	Uni	35.00
Kirk Rust	Uni	35.00
Saline County Clerk	Drug Court	1,252.71
Saline County Sheriff Office	Boarding Prisoner	1,235.00
Secretary of State Rules & Regulations	Ser	20.00
Shell Fleet Plus	Fuel	2,065.77
Spencer Fane Britt & Browne, LLP	Ser	1,537.00
State of Nebraska AS Central Services	Ser	48.23
State of Nebraska Dept. of Motor Vehicle	Ser	3.00
Surgical Associates	Ser	96.39
Thomson West	Sup	168.50
Brandy VanDeWalle	Meals	6.72
Verizon Wireless	Uti	501.51
Weaver Pharmacy	Sup	41.07
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,156.47
Payroll	Salaries	44,972.52

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,609.06
B's Enterprises	Sup	1,040.00
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	2,070.03
Dorchester Farmers Coop	Fuel	570.05
Fehlhafer's, Inc.	Parts	130.00
Fillmore County Treasurer	Post	7.73
Flo-Rite	Building	482.50
Gambles	Sup, Misc.	141.99
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,800.98
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	34.60
Donovan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Rep	12.00
Lichti Oil	Fuel	12,692.74
M & B Business Machine Service	Ser	350.00
Metal Culverts	Culverts	3,908.04
NMC Exchange, LLC	Parts, Sup	393.14
Nebraska Public Power District	Uti	283.81
Newman Traffic Signs	Sup	1,978.77
Office Depot Credit Plan	Sup	117.42
Perennial Public Power	Uti	53.10
Speece Lewis Engineers	Ser	2,150.50
Superior Deshler, Inc.	Fuel	124.35
Joe Tucker	Sup	48.00
Village of Fairmont	Uti	22.23
Weaver Repair, Inc.	Rep, Parts	336.51
Windstream	Uti	150.74
Payroll	Salaries	24,840.73

INSTITUTIONS FUND:

State of Nebr. Health & Human Services	Oct. Patient Care	93.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Fillmore County Treasurer	Sup	12.84
Geneva State Bank	SS	171.77
Vera Johnson	Refund	22.50
Bette Mattox Manning	Ser	156.00
Shell Fleet Plus	Fuel	46.49
What's Happening	Ad	15.00
Windstream	Uti	144.36
Payroll	Salaries	2,261.81

INHERITANCE TAX FUND:

Countryside Vet Clinic	Ser	815.99
Fillmore County Treasurer	Transfer	5,000.00
J Bar D, Inc.	Ser	462.50
Dean Olson	Ser	3,410.00

NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	78.60
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	88.70
Payroll	Salaries	1,164.40

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	119.48
Windstream	Uti	1,016.32

CLAIMS APPROVED

Cerny moved and Galusha 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.

CUSTODIAN TRAINING

After discussion, Cerny moved and Galusha seconded the motion to contract with Terri Volkmer at \$15.00 an hour through June 2010 to assist new custodian. 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.

CHRISTMAS EVE

After discussion, Kimbrough moved and Mueller seconded the motion to close County offices at 12:00 noon on December 24th. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items "Maximus Agreement and Emergency Manager position" were tabled to 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 8, 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.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., December 8, 2009, 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. 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 11:24 a.m.

MINUTES APPROVED

After discussion, Kimbrough moved and Mueller seconded the motion to accept the minutes from the November 24th Board meeting and to add the minutes from the special Board meeting of November 18th. 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.

FEE REPORTS

Simacek moved and Capek seconded the motion to approve the fee reports for the month of November:

County Clerk: \$5,701.99 (\$3,041.59 State & \$2,660.40 County)
Clerk of the District Court: \$684.39

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.

HOSPITAL BOARD

After discussion, Cerny moved and Mueller seconded the motion to accept Vicki Ozenbaugh's resignation from the Hospital Board effective immediately. 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.

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	3,263.63
Ameritas Life Insurance Corp.	Ret	2,732.94
Joseph N. Bixby DR.	Ser	1,140.00
Black Hills Energy	Uti	533.84
Bottorf & Maser, Atty.	Ser, Mile	1,656.25
Buffalo County Sheriff	Ser	18.58
Caldwell County Sheriff	Ser	38.19
Chaney Chemical, Inc.	Sup	549.10
City of Geneva	Uti	148.90
Constellation Energy	Uti	45.76
Contryman Associates, P.C.	Ser	7,000.00
Dawson County Sheriff	Ser	13.00
Dell Marketing, L.P.	Sup	539.94
Earls Window Service	Ser	5.00
Erdkamp Motors	Main, Rep	162.92
Fillmore County Treasurer	Transfer, Post, Ser	7,508.60
First Concord Benefits Group, LLC	Ser	216.25
Geneva State Bank	Ser, SS, Sup	3,096.71
Geneva Welding & Supply, Inc.	Rep	34.00
Hometown Leasing	Ser	396.71
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,953.40
Lafayette Life Insurance Co.	Insur	164.95
Madison National Life	Insur	10.68
MIPS, Inc.	Ser	2,497.01
National Assoc. of County Recorders,		

December 8, 2009

Election Officials & Clerks	Dues	30.00
The Nebraska Signal	Pro, Ads, Sup	690.51
O'Keefe Elevator Company, Inc.	Main	222.76
Lyndsey Pohlmeier	Dues, Meals	31.95
Ralph's Geneva Tire & Service Center, Inc.	Main, Rep	111.35
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir.	Ser	84.00
Total Funds by Hasler	Post	700.00
Eric Williams	Post, Sup, Mile	133.72
Windstream	Uti	229.69
Payroll	Salaries	39,519.22

ROAD/BRIDGE FUND:

Action Auto Supply	Rep, Sup	14.03
Ameritas Life Insurance Corp.	Ret	1,608.35
Baum Hydraulics	Parts	15.42
Black Hills Energy	Uti	287.20
Blackburn Manufacturing Co.	Flags	61.13
Corner Stop	Fuel	38.80
Chaney Chemical	Sup	169.80
City of Geneva	Uti	60.20
Dorchester Farmers Coop	Fuel	1,123.20
Farm Plan	Parts	223.02
Filter Care of Nebraska	Parts	43.75
Friesen Chevrolet, Inc.	Rep	1,917.96
Geneva Implement	Parts	73.18
Geneva State Bank	SS	1,770.19
Geneva Welding & Supply, Inc.	Rep, Sup	179.31
Grafton Oil	Fuel, Sup	2,799.50
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	2,349.62
Mike's Radiator & Tire	Rep	15.00
Nebraska Iowa Industrial Fasteners	Sup	139.63
The Nebraska Signal	Ads	206.17
Nichols Construction	Gravel	89,469.96
Nick's Farm Store	Rep	47.36
Frederick Allen Nunns Jr., Karen M. Nunns, and Cornerstone Bank	ROW	1,323.00
George Lee Nunns & Cornerstone Bank	ROW	441.00
Larry Roger Nunns & Cornerstone Bank	ROW	441.00
Thomas Arnold Nunns, Linda J. Nunns, and Cornerstone Bank & Security First Bank	ROW	1,323.00
Overland Sand & Gravel	Gravel	22,682.59
Perennial Public Power	Uti	36.32
Platte Valley Communications	Equip	468.88
Power Plan	Parts	472.57
Ralph's Geneva Tire & Service Center	Rep	202.10
US Bank CPS	Post	10.02
Verizon Wireless	Uti	83.46
Village of Grafton	Uti	21.07
Payroll	Salaries	24,438.17

SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Janet Bartak	Mile	77.00
Dawg's Smokehouse Café	HDM's	130.00
Exeter Care Center	HDM's	285.00
Exeter Senior Center	USDA	144.77
Fairmont Aging Services	USDA	703.78
Geneva Senior Center	Rent, USDA	2,241.88
Geneva State Bank	SS	195.43
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	144.00
Lafayette Life Insurance Company	Insur	9.00
Brenda Motis	Mile	104.50
Ron's Tavern	HDM's	100.00
US Bank CPS	Sup	199.20
Payroll	Salaries	2,571.08

HOSPITAL OPERATING FUND:

Fillmore County Hospital	Nov. Taxes	332.72
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NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	76.68
Chaney Chemical Inc.	Sup	78.75
City of Geneva	Uti	6.09
Gambles of Geneva	Sup	20.21
Geneva State Bank	SS	86.53
Lafayette Life Insurance Company	Insur	4.50

The Nebraska Signal
Verizon Wireless
Payroll

Ads
Uti
Salaries

December 8, 2009
23.32
34.67
1,136.00

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

GRAFTON RURAL FIRE PROTECTION BOND

Galusha moved and Simacek seconded the motion to approve the bond for Jerry Otte with the Grafton Rural Fire Protection District beginning February 9, 2010 and ending February 9, 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.

ROADS IN GLENGARY TOWNSHIP

Marvin Nadherny informed the Board that there were several roads in the Glengary Township that needed the peaks removed from them. The Board requested that Marvin get a list to the Highway Superintendent and they would be reviewed for spring/summer work.

DRIVEWAY PERMITS

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

Albert & Patty Simacek – temporarily widen three existing driveways to 40' and build a temporary driveway on the east side of the NE ¼, Section 20-7-2 and on the east side of the SE ¼, Section 20-7-2, Madison Township;

Albert & Patty Simacek – widen existing driveway to 40' on the south side of the SW ¼, Section 3-7-2, Madison Township.

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 PERMITS

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

Iola Weiss – widen existing driveway to 40' on the west side of the NW ¼, Section 24-6-2, Chelsea Township;

Rick & Mike Walters – widen existing driveway to 40' on the west side of the SW ¼, Section 22-6-4, Momence Township;

Don Bristol – install a new 40' driveway on the east side of the NE ¼, Section 22-8-2, Fairmont 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 Cerny seconded the motion to approve the following applications to occupy county right-of-way:

Charles Dondlinger – install a water line between the NE ¼, Section 22 and the NW ¼, Section 23-6-4, Momence Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required.

Charles Dondlinger – install a water line between the SE ¼, Section 15 and the SW ¼, Section 14-6-4, Momence Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required.

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.

CONSULTANT CONTRACT

After discussion with Larry Lewis, Vice President of Speece Lewis Engineers, Kimbrough moved and Mueller seconded the motion to approve the 2010 consultant contract with Speece Lewis Engineers beginning January 1, 2010 and ending December 31, 2010. 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.

DIESEL FUEL BIDS

Bids for diesel fuel were opened at 9:51 a.m. The following bids were received:

<u>Bidder</u>	<u>D-Grade</u>	<u>Blended</u>
Lichti Oil, Shickley, NE	\$2.437 per gallon for all locations	\$2.537 per gallon at all locations

DIESEL FUEL LETTING

After discussion, Cerny moved and Capek seconded the motion to accept and award the Diesel fuel letting to Lichti Oil. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

COMPREHENSIVE PLAN BIDS

Bids for the Comprehensive Plan were opened at 10:30 a.m. as advertised. The following bids were received:

<u>Bidder</u>	<u>Description of Update</u>	<u>Price</u>
Hanna Keelan Assoc., P.C.	Comprehensive Plan/Zoning & Subdivision Regs.	\$16,000.00
JEO Consulting Group, Inc.	Selected Comprehensive Plan & Development Regs.	\$22,000.00 to 35,000.00
JEO Consulting Group, Inc.	Complete update to Comprehensive Plan	\$62,500.00 to 85,000.00
Marvin Planning Consultants	Selected Comprehensive Plan & Development Regs.	\$19,510.00
Marvin Planning Consultants	Complete update to Comprehensive Plan	\$63,535.00
Stahr & Associates, Inc.	Comprehensive Plan/Zoning & Subdivision Regs.	\$29,100.00 to 33,600.00
Stahr & Associates, Inc.	Complete update & optional studies	\$44,100.00 to 48,600.00

COMPREHENSIVE PLAN LETTING

After discussion, Cerny moved and Mueller seconded the motion to accept all bids and award at the December 22nd Board meeting after each bid has been reviewed. 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.

SURPLUS

At the request of the Noxious Weed Board, Simacek moved and Galusha seconded the motion to declare the 1990 Ford F-350 pickup surplus. 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.

EXECUTIVE SESSION

Kimbrough moved and Mueller seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session possible litigation authorized by Statute to be discussed in executive 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 County Clerk, remain. Executive session began at 10:39 a.m.

RETURN TO REGULAR SESSION

Mueller moved and Simacek seconded the motion to return to open session at 10:46 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.

OFFICIAL SALARIES 2011 TO 2014

After discussion, Cerny moved and Kimbrough seconded the introduction of the following resolution: (Bill Burgess, Joan Ackland, and Peggy Birky were present for the discussion)

RESOLUTION 2009-43

WHEREAS, Section 23-1114 of the Revised Reissue Statutes of Nebraska (1987) provides that the salary of elected officers of Fillmore County shall be set by the Fillmore County Board of Supervisors for a four-year term prior to January 15, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Fillmore County Board of Supervisors that the following annual salaries be established.

1. The annual salary for the office of the County Board be established at \$15,000.00 for the calendar year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).

BE IT FURTHER RESOLVED, that the annual salary for the Chairman of the Board of Supervisors be \$1,000.00 more a year than the County Board.

2. The annual salary for the office of the County Clerk be established at \$41,000.00 for the calendar year year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).
3. The annual salary for the office of County Treasurer be established at \$41,000.00 for the calendar year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).
4. The annual salary for the office of County Assessor be established at \$41,000.00 for the calendar year year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).
5. The annual salary for the office of County Clerk of District Court be established at \$39,000.00 for the year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).
6. The annual salary for the office of County Sheriff be established at \$50,500.00 for the calendar year year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).

BE IT FURTHER RESOLVED, that if the Interlocal Agreement with the City of Geneva for Law Enforcement should no longer exist the annual salary for the County Sheriff will be established at 120% of the Clerk, Assessor, and Treasurer's annual salary.

7. The annual salary for the office of County Attorney be established at \$45,900.00 for the calendar year year 2011, plus an annual 2.5% increase during the term of office (2012, 2013, 2014).

BE IT FURTHER RESOLVED, that the annual salary for the office of Deputy County Attorney be established at 65% of the County Attorney's annual salary.

BE IT FURTHER RESOLVED, that each of the above designated elected officials shall receive during their term of office, individual health with prescription drug card, life insurance at County expense, and that each of the above designated elected officials shall be entitled to benefit and participate, during the term of office in Fillmore County retirement plan pursuant to the county employees retirement act, the same being the benefits that are currently extended to the county employees generally, in the event additional fringe benefits are subsequently extended to county employees generally, the above designated elected officials shall be entitled to benefit and receive such additional fringe benefits.

BE IT FURTHER RESOLVED, if notice of the same be necessary, the county reserve the right to enter into any program for the benefit of employees of the county, any other programs as may be approved, with the right of elected officials and deputies granted to participate in such programs on the effective date of such programs as approved by the Board. It is the intent of the Fillmore County Board of Supervisors that participation in such programs shall not constitute an increase in the herein adopted salary but shall be and is part of such salary as adopted by this resolution.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADJOURNMENT

Agenda items “Building in Ohiowa, Southeast Division of Children & Family Services, Maximus agreement, and internet & phone system” were tabled to a future Board meeting. As there were no other items to come before the Board, Simacek moved and Mueller seconded the motion to adjourn until 9:00 a.m., December 22, 2009. Upon roll call, the vote was as follows:

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

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 22, 2009, 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. 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 sine die at 11:58 a.m.

MINUTES APPROVED WITH CORRECTION

After discussion, Mueller moved and Kimbrough seconded the motion approve the minutes with the following corrections adding that Terri Volkmer was present for a discussion regarding assisting in custodial training on a contract basis with further discussion at a future Board meeting and to the correct the paper copy regarding the Diesel Fuel Letting it should have stated that the vote was carried 6-1, with Mueller voting nay. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

FEE REPORT

Simacek moved and Capek seconded the motion to approve the fee report for the month of November:

County Sheriff: \$1,623.86

Upon roll call, the vote was as follows:

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

Adams County Sheriff	Ser	11.80
All Around Lawn Care	Ser	70.00
Ameritas Life Insurance Corp.	Ret	2,673.12
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	515.41
Auto Value Parts Stores	Parts	39.98
Blue Cross & Blue Shield of Nebraska	Insur	17,133.08
Blue Valley Community Action Partnership	Funding	6,890.00
William L. Burgess	Uni, Meals, Post	44.32
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	144.15
Diebold Inc.	Main	156.00
Duckwall – Alco Stores, Inc.	Sup	13.66
Eakes Office Plus	Sup	752.57
Evercom	Sup	150.00
Executive Copier Services	Ser	65.38
F & S Supply Co., Inc.	Sup	174.16
Fillmore County Court	Ser	1,329.45
Fillmore County Development Corp.	Funding	10,000.00
Fillmore County Hospital	Ser	50.00
Fillmore County Medical Center	Ser	197.00
Fillmore County Treasurer	Sup	34.74
First Concord Group, Inc.	Insur	4,059.34
Gambles	Sup, Post	112.97
The Garbage Co., Inc.	Ser	161.63
Geneva State Bank	Sup, SS	2,820.90
Geneva Super Foods	Sup	456.09
Norma Gregory	Ret	25.00
Robert Hester	Uni	35.00
Deborah B. Hoarty	Mile	196.90
Hometown Leasing	Ser	256.58
JEO Consulting Group, Inc.	Ser	900.00

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Howard E. Johnson	Mile	168.30
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,644.37
Kerry's Auto Repair & Service	Main	38.15
Stephen J. Kraviec	Ser, Post	1,692.53
Lease Consultants Corp.	Ser	249.00
Lichti Oil	Fuel	130.74
Annette Marget	Mile	95.70
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	64.00
Midwest Engines	Main	842.00
Rich Mueller/Thomas Biegert	Rent	650.00
National Assoc. of County Recorders, Election Officials & Clerks	Dues	25.00
National Assoc. of County Veteran's Serv.	Dues	30.00
Nebraska Association of County Officials	Dues	1,308.74
Nebraska Public Power District	Uti	809.42
Richard G. Nelson	Mile	128.70
Steven G. Roemmich	Uni	35.00
Kirk Rust	Uni	35.00
Saline County Sheriff	Boarding Prisoners & Ser	1,977.00
Shell Fleet Plus	Fuel	2,041.27
Spencer Fane Britt & Browne, LLP	Ser	493.00
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
State of Nebraska Office of Elevator Safety	Ser	100.00
Thayer County Court	Ser	3.50
Treat America Dining	Meals	76.36
Brandy VanDeWalle	Dues, Meals, Mile	59.35
Verizon Wireless	Uti	528.12
Weather TAP Publishing	Ser	528.73
Weaver Pharmacy	Sup	251.39
Daniel L. Werner, P.C., LLO	Ser, Mile, Post	1,716.00
Windstream	Uti	1,088.00
Payroll	Salaries	38,772.09

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,652.22
Auto Value Parts Stores	Parts, Sup	391.18
Blue Cross & Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	1,898.19
Century Lumber Center	Sup, Rep	68.17
Dorchester Farmers Coop	Fuel	2,794.08
Gambles	Sup	27.48
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,803.53
Ralph Gould	Ret	18.00
Hilty's of Geneva	Sup	14.69
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel, Parts	2,924.38
NMC Exchange, LLC	Parts	235.30
Nebraska LTAP	Wksh	115.00
Nebraska Public Power	Uti	266.72
Nichols Construction	Gravel	21,535.80
Roit Repair	Rep	26.07
Donna Saltzman	Ser	40.00
Shell Fleet Plus	Fuel	505.14
Village of Exeter	Uti	16.00
Village of Fairmont	Uti	24.49
Windstream	Uti	145.89
Payroll	Salaries	24,874.26

INSTITUTIONS FUND:

State of Nebraska Health & Human Serv.	Nov. Patient Care	90.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross & Blue Shield of Nebraska	Insur	1,105.36
Geneva State Bank	SS	171.77
Jeannine Krejci	Ser	132.00
Bette Mattox Manning	Ser	144.00
Shell Fleet Plus	Fuel	25.49
Windstream	Uti	131.57
Payroll	Salaries	2,261.81

INHERITANCE TAX FUND:

Fillmore County Treasurer	Transfer	5,000.00
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NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	76.68
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		December 22, 2009
Blue Cross & Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	86.53
Payroll	Salaries	1,136.00

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	123.78
Windstream	Uti	1,011.96

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

MILEAGE RATE

Mueller moved and Capek seconded the motion to change the mileage rate to \$.50 and \$.53 for the County Sheriff to serve papers and orders effective January 1, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SAFETY COMMITTEE

Simacek moved and Cerny seconded the motion to appoint Richard Ellison, Todd Boller, Brandie Conway, Daryl Callenius as an alternate and Lynn Mussman until the Emergency Manager is hired to the safety committee for a two year term beginning January 1, 2010 and ending December 31, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

REPLACING SECURITIES

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

RESOLUTION 2009-44

RESOLVED, that York State Bank of Geneva, Nebraska be permitted to substitute the following securities held by the First National Capital Markets Trustee:

Magnolia Calif Sch Dist., CUSIP #559588DB1 in the amount of \$145,000.00
York Neb Water Rev, CUSIP #986766CZ4 in the amount of \$165,000.00

and that the following security be substituted:

Federal Home Loan Bank, CUSIP #3133XVSV4 in the amount of \$300,000.00

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

EXECUTIVE SESSION

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

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

The Chairman declared the motion carried and requested that the Highway Superintendent, County Attorney, and County Clerk, remain. Executive session began at 9:35 a.m.

RETURN TO REGULAR SESSION

Kimbrough moved and Mueller seconded the motion to return to open session at 9:51 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

2010 LETTING SCHEDULE

After discussion, Cerny moved and Kimbrough seconded the motion to approve the 2010 Letting Schedule and employee meetings for the Road's Department. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLOSING DUE TO WEATHER

Barbara Trapp, County Treasurer; William Burgess, County Sheriff; Joan Ackland, County Assessor; Peggy Birky, Clerk of District Court; and Elmer Hessheimer, Highway Superintendent attended the Board meeting to discuss a policy to determine closing due to weather. A committee will be formed and submit a policy to the Board at a later date. Until a policy is created the Chairman of the Board and the County Sheriff will make the recommendation and inform the officials.

INTERNET SERVICE

After discussion, Kimbrough moved and Cerny seconded the motion to switch from Windstream to Geneva Broadband for internet service. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

COMPREHENSIVE PLAN

Patt Lentfer, Fillmore County Development Director will contact SENDD to see if they would be able to assist the Board in reviewing the comprehensive plan bids that were received at the December 8th Board meeting.

SOUTHEAST DIVISION OF CHILDREN & FAMILY SERVICES

Jeff Schmidt, Director and Ruth Vineyard discussed with the Board regarding the changes in the Health & Human Services for Fillmore County, more discussion will be at future meetings.

SALARY ADJUSTMENT

Mueller moved and Cerny seconded the motion to pay all full time employees, not elected officials a \$500.00 salary adjustment prior the end of year from the inheritance tax fund. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

ADJOURN SINE DIE

As there were was no other business to come before the Board, Mueller moved and Capek seconded the motion to adjourn sine die until 9:00 a.m., January 12, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman