

## 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 12, 2010, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Cerny, Kimbrough, Simacek, Yates, 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 reorganization meeting adjourned at 9:25 a.m.

**ELECTION OF CHAIRMAN**

The 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 2010. Simacek nominated Capek and Kimbrough seconded the nomination and Galusha requested that nominations cease and that a unanimous ballot be cast.

The temporary Chairman declared Capek to be the Board Chairman for the year 2010 and Capek assumed the chair.

**ELECTION OF VICE-CHAIRMAN**

Chairman Capek asked for nominations for Vice-Chairman. Kimbrough nominated Cerny and Mueller seconded the motion and requested that nominations cease and that a unanimous ballot be cast.

The Chairman declared that Cerny would be Vice-Chairman of the Board for 2010.

**NAMING OFFICIAL BANK DEPOSITORIES**

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

**RESOLUTION 2010-01**

**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**

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

**RESOLUTION 2010-02**

**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, and Galusha  
Nays: None

The Chairman declared the resolution adopted.

**DEPOSIT OF SURPLUS FUNDS**

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

**RESOLUTION 2010-3**

**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

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

First National Bank of Exeter	\$ 3,243,076.28
Farmers State Bank of Fairmont	\$ 804,917.00
Geneva State Bank of Geneva, Shickley, & Grafton	\$ 16,331,000.00
York State Bank & Trust Company of Geneva & York	\$ 14,101,179.23
Cornerstone Bank of York and Geneva	\$ 66,698,148.00
Farmers and Merchants Bank of Milligan	\$ 3,928,059.25

**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 2010, 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, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the resolution adopted.

**SECURITIES COMMITTEE**

Mueller moved and Kimbrough seconded the motion to appoint the County Clerk, the County Treasurer, and Supervisor Cerny to a committee to give temporary approval for securities deposited by banks for collateral on deposits of County funds, with Yates to sign if Cerny is unavailable. 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 APPROVAL**

Cerny moved and Yates 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, and Simacek  
Nays: None

The Chairman declared the motion carried.

**EQUIPMENT PURCHASE**

Mueller moved and Cerny 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, and Kimbrough  
Nays: None

The Chairman declared the motion carried.

**LEGAL NEWSPAPER**

Yates 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, and Cerny  
Nays: None

The Chairman declared the motion carried.

**PUBLIC HEALTH BOARD**

## ROAD REPORTS TO SUPERVISORS

## CONTRACT WITH GENEVA WELDING & SUPPLY

**RESOLUTION 2010-04**

**COUNTY PHYSICIAN**

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



**WEST BLUE TOWNSHIP**

Todd & Heather Probasco informed the Board that they would like to build a house on County Road D, between Road 10 & 11, West Blue Township. John Lowe from the West Blue Township Board requested help from the Board to bring this township road to specifications.

After discussion, Galusha moved and Cerny seconded the motion to have the County assist the Township in grading the road and to ensure that the bridge meets specifications and the township will gravel County Road D for a ¼ mile to the east from Road 10. 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.

**2010 COUNTY ROAD PROJECTS**

After discussion, Cerny moved and Yates seconded the motion to approve the 2010 County Road's workforce projects as submitted by Elmer Hessheimer, Highway Superintendent. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**TITLE VI NONDISCRIMINATION AGREEMENT**

After discussion, Yates moved and Mueller seconded the motion approve and sign the Title VI Nondiscrimination Agreement with the State of Nebraska Department of Roads. 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.

**TITLE VI CIVIL RIGHTS**

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

**RESOLUTION 2010-05**

**WHEREAS**, certain transportation facilities (roads, streets, trails, and other) in FILLMORE COUNTY have 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 Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of FILLMORE COUNTY; 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 and the Title VI – Civil Rights of FILLMORE COUNTY.

**BE IT FURTHER RESOLVED**, the FILLMORE COUNTY Board of Supervisors does hereby designate the following as responsible for the management of the Title VI – Civil Rights process; Fillmore County Board of Supervisors Chairman

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.

**SNOW ON COUNTY ROADS**

After discussion, Mueller moved and Kimbrough seconded the motion to approve the Highway Superintendent to continue renting equipment to assist in removal of snow on the County Roads. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**PUBLIC HEALTH SOLUTIONS**

Jane Ford Witthoff, Director of Public Health Solutions presented the annual report to the Board.

**OHIOWA TAX FORECLOSURE**

Howard Ach, Deputy County Attorney informed the Board that there is a still a building in Ohiowa in tax foreclosure. Howard requested that Ray Capek talk to the Village of Ohiowa Board regarding this building.

**REVITALIZE GENEVA PROJECT**

Kyle Svec, City of Geneva Administrator presented the Board with the proposed plans for the Geneva Downtown Revitalization project that the City is working on.

**FEE REPORTS**

Yates moved and Cerny seconded the motion to approve the following fee reports for the month of December 2009 and Fillmore County Treasurer's Semi-Annual report:

**County Clerk:** \$9,361.05 (State \$5,983.42 & County \$3,377.63)  
**Clerk of District Court:** \$292.25  
**Sheriff:** \$1,320.08

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.

**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	201.24
Howard F. Ach, Atty.	Rent, Post, Misc.	3,292.02
Lanny Ackerman	Mtgs, Mile	94.50
Ameritas Life Insurance Corp.	Ret	2,751.21
Black Hills Energy	Uti	1,416.54
Bottorf & Maser, Atty.	Ser, Mile	738.75
City of Geneva	Uti	141.90
Constellation Energy	Uti	212.08
Brandie Conway	Meals, Mile	54.73
Geraldine Daniels	Misc.	25.66
Duckwall – Alco Stores, Inc.	Sup	95.60
Eakes Office Plus	Sup	1,324.27
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	71.40
Erdkamp Motors	Main	36.00
Executive Copier Services	Sup	67.11
First Concord Benefits Group, LLC	Ser	213.00
Geneva State Bank	Ser, SS	3,268.27
Germer, Murray & Johnson, Atty.	Ser, Mile	619.25
Matt Harre	Mtgs, Mile	65.20
Hasler Financial Services, LLC	Ser	152.37
Hilty's of Geneva	Sup	403.50
Hometown Leasing	Ser	524.85
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Misc.	2,677.34
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,204.00
Stephen J. Kraviec	Ser, Post	1,691.95
Lease Consultants	Ser	249.00
Lichti Oil	Fuel	35.55
Madison National Life	Insur	10.68
Marriott Hotels & Resorts	Lodging	1,540.00

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Maximus, Inc.	Ser	1,094.54
Microfilm Imaging Systems, Inc.	Ser	64.00
Midwest Mailing Systems, Inc.	Sup	15.00
Milligan Towing, LTR	Ser	138.00
MIPS, Inc.	Ser, Sup	2,596.87
Mark Morgan	Mtgs, Mile	28.20
Morley Most	Mtgs, Mile	94.50
Marvin Nadherny	Mtgs, Mile	84.60
Nebraska Assoc. of County Clerks, Reg. Of Deeds & Election Comm.	Dues	75.00
Nebraska Assoc. of County Officials	Sup	32.00
Nebraska Heart Institute	Ser	28.08
Nebraska Law Enforcement Training Center	Lodging	162.00
Nebraska Sheriff's Association	Dues	120.00
The Nebraska Signal	Pro, Sup	707.47
Amy Nelson	Mile	75.35
Merle Noel	Mtgs, Mile	63.15
Victoria L. Ozenbaugh	Mile	20.35
Physicians Network	Ser	107.73
Protex Central Incorporated	Main	214.00
R & D Parts, LLC	Sup	12.34
Radiology Associates, PC	Ser	23.17
Ralph's Geneva Tire & Service Center	Main	183.51
Region V Services	Budget funding	2,952.25
Secretary of State Rules & Regulations	Sup	40.00
The Sentinal	Subscription	30.00
State of Nebraska AS Central Services	Ser	48.27
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	168.00
Allan Stuckey	Mtgs, Mile	58.60
Thayer County Sheriff's Office	Ser	28.44
Total Funds by Hasler	Post	700.00
UN-L IS-Telecommunications	Uti	11.77
US Bank CPS	Meals, Lodging, Sup	293.43
Brandy VanDeWalle	Wksh, Meals	56.17
Terri Volkmer	Ser	335.00
West	Sup	175.00
Eric Williams	Post	20.88
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,340.03
Payroll	Salaries	42,229.01

**ROAD/BRIDGE FUND:**

Action Auto Supply	Parts, Sup	53.48
Ameritas Life Insurance Corp.	Ret	1,652.28
Black Hills Energy	Uti	1,012.49
Century Lumber Center	Sup, Parts	55.45
City of Geneva	Uti	57.00
Dorchester Farmers Coop	Fuel	6,898.57
Farm Plan	Parts	316.02
Filter Care of Nebraska	Parts	28.60
Geneva Implement	Parts	49.48
Geneva State Bank	SS	1,872.61
Geneva Welding & Supply, Inc.	Parts, Equip, Sup	753.52
Grafton Mini Mart	Fuel	69.37
Grafton Oil	Fuel	735.68
Elmer Hessheimer	Sup	15.85
Horizontal Boring & Tunneling, Co.	Rental	14,421.75
Marriott Hotels & Resorts	Lodging	110.00
Lichti Oil	Fuel, Parts	4,995.76
Midwest Unlimited	Sup	340.00
Mike's Radiator & Tire	Rep	165.00
National Sign Company, Inc.	Sup	535.00
Nebraska Bolt	Parts	82.86
Nebraska Department of Revenue	Misc.	137.26
Nebraska Iowa Industrial Fasteners	Sup	195.81
The Nebraska Signal	Ads	19.81
Newman Traffic Signs	Sup	403.82
Nick's Farm Store	Rep	70.35
Perennial Public Power	Uti	143.12
Platte Valley Communications	Parts	54.88
R & D Parts	Sup	46.68
Ralph's Geneva Tire	Rep	239.71
Shell Fleet Plus	Fuel	262.31
Speece Lewis Engineers	Fees	270.75
US Bank CPS	Post	13.49
Verizon Wireless	Uti	83.98
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	59.82

Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.40
Weller Tractor	Parts	323.78
Wick's Sterling Truck	Parts	93.06
Payroll	Salaries	24,478.30

Fillmore County Development Corp.	Mile, Ser	355.06
Southeast Nebraska Tourism Council	Dues	100.00

Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	130.00
Judy Dondlinger	Ser	144.00
Eakes Office Plus	Sup	251.12
Exeter Care Center	HDM's	225.00
Exeter Senior Center	Misc.	500.00
Fairmont Aging Services	Misc.	3,500.00
Geneva Senior Center	Rent, Sup, Misc.	4,869.63
Geneva State Bank	SS	167.70
Hometown Leasing	Ser	56.64
Susan Kerl	Ser, Sup	194.89
Brenda Motis	Mile	73.15
Ron's Tavern	HDM's	85.00
US Bank CPS	Post, Sup	205.29
Payroll	Salaries	2,192.14

Countryside Vet Clinic	Ser	178.41
Dean Olson	Ser	4,715.00

Fillmore County Hospital	Dec. Taxes	14,879.04
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Ameritas Life Insurance Corp.	Ret	76.68
Todd Boller	Lodging, Meals	111.53
Gaylord Craddock	Mile	74.80
Geneva State Bank	SS	86.90
Frances Heinrichs	Mile	74.80
Ronald Isley	Mile	28.60
Lichti Oil	Fuel	139.01
Marriott Hotels & Resorts	Lodging	110.00
Nebraska Weed Control Association	Wksh, Dues	281.00
Leonard Oldehoeft	Mile	39.60
Sutton Electric, Inc.	Sup	125.38
Verizon Wireless	Uti	34.67
Payroll	Salaries	1,136.00

Windstream	Uti	1,015.32
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Kimbrough moved and Simacek 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.

Yates moved and Cerny seconded the motion to appoint Lucille Capek to the Fillmore County Hospital board to fill Vicki Ozenbaugh's term beginning January 1, 2010 and ending June 30, 2012. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Yates moved and Mueller seconded the motion to appoint the following to the Fillmore County Extension Board as at large members: Bev Bartule and Jane Cronk for a three year term beginning January 1, 2010 and ending December 31, 2012. 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.

#### **PLANNING COMMISSION BOARD**

Cerny moved and Mueller seconded the motion to appoint the following to the Planning Commission Board: Reg Noel, Merle Noel, and Matt Harre beginning July 1, 2009 and ending June 30, 2012 and Sharon Elznic, Tom Manning, Mark Morgan and Morley Most beginning July 1, 2008 and ending June 30, 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.

#### **LIBERTY TOWNSHIP BONDS**

Simacek moved and Cerny seconded the motion to approve the Liberty Township bonds for John J. Becker and David L. Krupicka beginning January 3, 2010 and ending January 3, 2011. 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.

#### **HOURLY EMPLOYEE'S COMPENSATION**

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: Kimbrough, Cerny, Galusha, and Simacek

The Chairman declared the motion failed.

#### **COUNTY CAR POLICY**

After discussion, the Board approved that there will be no mileage paid to employee's who drive their own vehicles unless both of the County cars are not available.

#### **CUSTODIAL CONTRACT**

After discussion, Mueller moved and Cerny seconded the motion to approve the contract with Terri Volkmer beginning December 1, 2009 and ending June 30, 2010 to provide custodial training on an administrative basis. The contract is for no more than 20 hours per month at a rate of \$25.00 an hour and \$30.00 per trip. 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.

#### **EMPLOYEE RECOGNITION DINNER**

After discussion, Yates moved and Kimbrough seconded the motion to approve the employee recognition dinner to be January 30, 2010 at the Geneva VFW and to give away a courthouse and two small crocks. 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.

#### **SNOW POLICY**

After discussion, Cerny moved and Kimbrough seconded the motion that effective January 12, 2010 all hourly employees who leave or cannot get to work due to weather conditions will not be paid. In the event that the Courthouse is closed due to weather conditions (this is determined by the Chairman of the Board, Sheriff and the Emergency Manager) hourly employees will not get paid. If an hourly employee is required to work they will be paid for the time worked. In either instance an employee may use earned vacation or comp time. This policy is to be placed in the employee handbook. 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.

**ADJOURNMENT**

Agenda item “Comprehensive Plan Bids” were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:00 a.m. on January 26, 2010. 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.

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Attest

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Chairman

**MINUTES APPROVED WITH CORRECTION**

The Chairman declared the motion carried.

## EMERGENCY MANAGER POSITION

## CLAIMS

**GENERAL FUND:**

Adams County Sheriff	Ser	22.74
Aging Partners	Budget request	10,332.00
All Around Lawn Care	Ser	80.00
Ameritas Life Insurance Corp.	Ret	2,685.19
Jon Anderson	Uni, Post, Misc	94.79
Aramark Uniform Services, Inc.	Ser	635.60
Chara Bauld	Misc	45.79
Lois Bernasek	Misc	45.79
Blue Cross Blue Shield of Nebraska	Insur	17,685.76
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni, Misc	80.79
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Clay County Sheriff's Dept.	Boarding Prisoner	135.00
Brandie Conway	Misc	45.79
Corner Stop	Fuel	149.03
Dell Marketing, LP	Equip	152.99
Fillmore County Hospital	Ser	50.00
Fillmore County Treasurer	Post, Int. Transfer	285,218.06
First Concord Group, Inc.	Insur	2,624.80
Gambles	Sup	152.73
The Garbage Co., Inc.	Ser	161.63
Geneva State Bank	SS	2,811.41
Geneva Super Foods	Sup	517.56
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
Barbara Erdkamp Hein	Ret	96.00
Robert Hester	Uni, Misc	80.79
Hitt Companies, Inc.	Sup	22.95
Hometown Leasing	Ser	128.44
Jefferson County Court	Ser	5.75
JEO Consulting Group, Inc.	Ser	870.00
Steve Julich	Uni, Misc	80.79
Lafayette Life Insurance Co.	Insur	149.88
Lancaster County Sheriff Office	Ser	21.18
Lawson Products, Inc.	Sup	156.37
Ann H. McDonald	Ret	18.00
Mel's Automotive	Ser, Rep	192.76
Mid-States Organized Crime Infor Center	Dues	100.00
Howard Mills	Misc	45.79
MIPS, Inc.	Equip, Ser	375.00
Richard Mueller/Thomas Biegert	Rent	650.00

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National Sheriff's Association	Dues	50.00
Nebraska Association of County Officials	Wksh	480.00
Nebraska Public Power	Uti	874.08
Norrie Construction	Rep	110.00
Elaine Pavlish	Ret	84.00
Vernon Pearson	Ret	48.00
Dawn Opfer	Misc	45.79
Stephanie Rodriguez	Misc	45.79
Steven G. Roemmich	Uni, Misc	80.79
Saline County Sheriff Office	Boarding Prisoners, Ser	1,034.00
Shell Fleet Plus	Fuel	2,379.57
Lee Bauer Smith	Ret	108.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Public Health Envir. Ser	Ser	168.00
Deanna Strothkamp	Ret	72.00
Luetta Strothkamp	Ret	96.00
Mary C. Tesar	Ret	24.00
Bea Vavra	Ret	84.00
Carol Vejraska	Ret	23.08
Verizon Wireless	Uti	527.65
Watchguard Video	Equip	10,040.00
Weaver Pharmacy	Sup	335.14
Williams Exterminating, Inc.	Ser	110.00
Payroll	Salaries	38,772.09

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp	Ret	2,065.09
Auto Value Parts Store	Sup	712.51
Blue Cross/Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	1,959.34
Dorchester Farmers Coop	Fuel	169.12
Erdkamp Motors	Equip	26,395.00
Farm Plan	Parts	283.27
Gambles	Sup	47.11
The Garbage Company	Ser	78.76
Geneva State Bank	SS	2,241.66
Dale Goeking	Ser	96.00
Ralph Gould	Ser	18.00
Grafton Mini Mart	Sup	3.90
Hireright Solutions, Inc.	Ser	59.80
Horizontal Boring & Tunneling Co	Rental	32,902.50
Ronald Isley	Ret	103.86
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Co	Insur	87.99
Lichti Oil	Fuel	15,637.57
Myers Bros	Rental	3,657.50
NMC Exchange LLC	Equip, Parts	123,272.49
Nebraska Assn. County Engineers, Etc.	Wksh	25.00
Nebraska Public Power District	Uti	345.37
Office Depot Credit Plan	Sup, Equip	371.92
Orscheln	Parts	268.69
Speece Lewis Engineers	Ser	2,006.50
Superior Deshler, Inc.	Fuel	50.14
US Postal Service	Sup	270.60
Van Kirk Bros Contracting	Rental	6,655.00
Windstream	Uti	156.80
Donald D. Wittmack	Ret	12.00
Payroll	Salaries	24,874.26

**INSTITUTIONS**

State of Nebraska Health & Human Service	Ser	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
Judy Dondlinger	Ser	84.00
Fillmore County Transit	Ser	15.00
Geneva State Bank	SS	171.47
Lafayette Life Insurance Co	Insur	9.00
Elizabeth Mattox Manning	Ser	96.00
Shell Fleet Plus	Fuel	5.56
Payroll	Salaries	2,261.81

**INHERITANCE TAX FUND:**

Dean Olson	Misc	325.00
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp	Ret	98.28
Blue Cross/Blue Shield of Nebraska	Insur	552.68

Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	145.82
Lafayette Life Insurance Co	Insur	4.50
Payroll	Salaries	1,136.00

Nebraska Public Power District	Uti	151.93
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Geraldine Daniels, Planning & Zoning Administrator submitted the CBS Administrative Subdivision located in the SW ¼. Section 25-6-4. Momence Township.

Simacek moved and Galusha seconded the motion to approve the CBS Administrative Subdivision as follows: an irregular tract of land in the Southwest Quarter of the Southwest Quarter (SW ¼, SW ¼) of Section Twenty-five (25), Township Six (6) North, Range Four (4) West of the Sixth P.M., more fully described as follows; commencing at the quarter corner common to Section 25 and 36; thence North 90°00'00" West (assumed bearing) on section line, a distance of 1416.00 feet to the point of beginning; thence North 90°00'00" West a distance of 400.00 feet; thence North 0°00'00" West a distance of 328.00 feet to a ¾ inch pipe; thence South 90°00'00" East a distance of 400.00 feet to a ¾ inch pipe; thence South 0°00'00" East a distance of 328.00 feet to the point of beginning. Containing a calculated area of 3.00 acres, more or less, of which 0.30 acres is roadway.

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.

**ADJOURN**

Agenda items "Road Employee Compensation, Juvenile Diversion Program, and Emergency Manager Position" were tabled until the next Board meeting. As there were was no other business to come before the Board, Yates moved and Simacek seconded the motion to adjourn until 9:00 a.m., February 9, 2010. 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 9:10 a.m., February 9, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. Cerny was absent at 11:15 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 12:28 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the January 26, 2010 Board meeting.

#### **FEE REPORTS**

Simacek moved and Yates seconded the motion to approve the fee reports for the month of January 2010:

**County Clerk:** \$2,759.90 (State \$1,408.79 & County \$1,351.11)  
**Clerk of District Court:** \$470.89  
**Sheriff:** \$2,432.58

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.

#### **KEYSTONE PIPELINE SYSTEM**

Bud Anderson with Keystone Pipeline System (Keystone XL Pipeline) presented an update for the pipeline that will be going through Fillmore County. Keystone Pipeline would like to start construction in the 3<sup>rd</sup> quarter of 2010 and in service 1<sup>st</sup> quarter 2012. Keystone Pipeline will be giving an update to the Board once a quarter.

#### **DRIVEWAY PERMIT**

Cerny moved and Kimbrough seconded the motion to approve the following driveway permit application:

Ronald P. Marble – move driveway south in the SW ¼, Section 23-5-2, Belle Prairie 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 PERMIT**

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

Troy Otte – install an electric line between the SE ¼, Section 6-7-3 and the NE ¼, Section 7-7-3, Geneva Township. The owner will cooperate fully with the officials of Fillmore County and will keep them fully and immediately informed of all construction or maintenance work required on the Fillmore County Public Right-of-way. The surface of the roadway and the road ditch 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.

#### **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.

#### **FUEL STORAGE TANK BIDS**

After discussion, Yates moved and Cerny seconded the motion to award the bid for the fuel storage tank to Yant Equipment for \$30,852.20 and purchase a seconded dispenser for \$2,395.00 for a total of \$33,247.20. 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.

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

Mueller moved and Kimbrough seconded the motion to close the hearing on the One and Six Year Plan at 10:11 a.m. No one appeared to testify either for or against the proposal. 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.

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

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

#### **RESOLUTION 2010 - 06**

#### **ACCEPTING THE ONE (1) & SIX (6) YEAR HIGHWAY IMPROVEMENT PROGRAM FOR THE COUNTY OF FILLMORE, NEBRASKA.**

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

It is hereby found and determined that:

- (1) The program for distribution of the Highway Allocation Funds provide additional funds to counties for road related maintenance and construction.
- (2) 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 2010-2011 One (1) and Six (6) Year Program as proposed by the Fillmore County 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 resolution adopted.

### **COMPREHENSIVE PLAN**

Craig Wacker and Jeffrey Ahl with JEO Consulting Group, Inc. presented a revised breakdown of their previous bid for the comprehensive plan as requested by the Board. Patt Lentfer and Richard Walters with the Economic Development Corporation; Jerri Daniels, Zoning Administrator; Sharon Elznic, Merle Noel, Morley Most, and Lanny Ackerman with the Planning Commission attended the discussion.

After discussion, JEO Consulting Group, Inc will meet with the Planning Commission at their meeting on February 15<sup>th</sup> at 7:00 p.m. to determine what needs there are for the zoning portion of the update to the Comprehensive Plan. The Board of Supervisors will discuss again at their next Board meeting on February 23<sup>rd</sup>.

### **FEDERAL EMPLOYEE BENEFITS**

Mark Headrick with Federal Employee Benefits gave a presentation to the Board explaining what his company offers for benefits regarding cancer and heart attacks. Will be discussed and voted at the next regular board meeting.

### **TOWNSHIP BONDS**

Yates moved and Mueller seconded the motion to approve the following township bonds: Bennett Township – Richard Hoarty, Don A. Griess, and Robert Fessler; Chelsea Township – Jerry Engle, Larry Nun, and Kent W. Myers; Exeter-Fairmont Township – Sterling J. Dyer, Donald Bristol, and Larry L. Cudaback; Franklin Township – Morley Most, Galen Niederklein, and Galen Dunse; Geneva Township – Larry Biester, James Oberlander, and Joe Hoarty; Glengary Township – Marvin Nadherny, Henry Rohla Jr., and Roger Pribyl; Madison Township – Douglas Hafer, Tom D. Manning, and Tom Novak; Stanton Township – Bridgette Flohrs, Russ Kleinschmidt, and Gary Kimbrough; and West Blue Township – John Lowe, Edlen Luethke, and Bill Softley. Effective date is January 7, 2010 and ending January 7, 2011. Upon roll call, the vote was as follows:

Ayes: Simacek, Kimbrough, 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:**

Howard F. Ach, Atty.	Rent, Post, Sup	3,271.67
Joan Ackland	Meals	10.13
Ameritas Life Insurance Corp.	Ret	2,660.05
Bear Graphics, Inc.	Sup	188.97
Black Hills Energy	Uti	2,462.38
Botdorf & Maser, Atty.	Ser, Mile	107.50
Buffalo County Court	Sup	1.50
City of Geneva	Uti	145.70
Constellation Energy	Uti	368.72
Cottonwood Title Company	Ser	300.00
Crossroads Awards	Sup	84.00
Duckwall – Alco Stores, Inc.	Sup	29.02
Eakes Office Plus	Sup	515.96
Earls Window Service	Ser	5.00
Executive Copier Services	Sup	96.28
F & S Supply Co., Inc.	Sup	153.99
Fillmore County Clerk of District Court	Fees	198.00
Fillmore County Clerk	Ser	37.50
Fillmore County Treasurer	Transfers, Misc, Post, Wksh, Dues	50,156.51
First Concord Benefits Group, LLC	Ser	756.24
Galls	Sup	48.98
The Garbage Co., Inc.	Ser	134.28
Geneva Broadband, LLC	Ser	49.99
Geneva Floral	Ser	9.50
Geneva State Bank	SS	2,803.59
Geneva TV & Appliance, Inc.	Sup	6.00
Geneva Welding & Supply, Inc.	Sup	66.00
Hilty's of Geneva	Sup	10.70
Hometown Leasing	Ser	524.85
Howard Johnson Riverside Inn & Conf.	Lodging	123.90
Jim's Repair	Main	47.36
Kendall & Son, LTD	Sup	170.00
Kerry's Auto Repair & Service	Rep	26.50
Stephen J. Kraviec	Ser, Post	1,696.22
Galen Kuska	Mile	17.60
Lancaster County Sheriff	Ser	19.59
Lichti Oil	Fuel	40.15
Madison National Life	Insur	10.68
Microfilm Imaging Systems, Inc.	Ser	64.00
Mid-American Research Chemical Corp.	Sup	1,528.00
MIPS, Inc.	Ser	2,750.28
Nebraska Assessor Association	Wksh	95.00
Nebraska Association of County Officials	Sup	40.00
The Nebraska Signal	Proc, Sup, Ads	1,691.85
Nick's Farm Store Co.	Rep	214.60
Galen Niederklein	Mile	96.80
Pathology Medical Services	Ser	20.87
Platte Valley Communications of Hastings	Sup	814.20
Lyndsey Pohlmeier	Mile, Meals, Wksh, Lodging	251.52
Ralph's Geneva Tire & Service Center, Inc.	Main, Rep	485.25
Southeast District Assessors Assoc.	Dues	20.00
Jon Scoville	Mile	141.00
Seiler & Parker, P.C.	Ser	205.50
State of Nebraska AS Central Finance	Ser	448.00
Total Funds by Hasler	Post	700.00
UN-L IS-Telecommunications	Uti	4.37
Brandy VanDeWalle	Meals, Mile	19.32
Terri Volkmer	Ser, Mile	335.00
Mary Lu Vossler	Mile	28.60
Weaver Pharmacy	Sup	220.19
Eric Williams	Post, Sup	14.90
Windstream	Uti	232.52
Lynn Yates	Mile	17.60
Steven Yates	Mile	77.00
Payroll	Salaries	38,798.88

**ROAD/BRIDGE FUND:**

Action Auto Supply	Rep, Parts	89.50
Ameritas Life Insurance Corp.	Ret	1,667.74
Auto Value Parts Stores	Parts, Sup	123.00
All Roads Barricade, Inc.	Sup	39.45
B's Enterprises	Equip	10,330.50

Barco Municipal Products	Sup, Equip	3,496.68
Black Hills Energy	Uti	2,031.95
Century Lumber Center	Rep, Sup	52.74
City of Geneva	Uti	60.20
Fillmore County Shop – Petty Cash	Post, Parts, Sup, Misc.	32.38
Filter Care of Nebraska	Parts	143.40
Geneva Engineering, Inc.	Rental	12,622.50
Geneva Implement	Sup	26.63
Geneva State Bank	SS	1,791.35
Geneva Super Foods	Sup	13.16
Geneva Welding & Supply, Inc.	Parts, Sup	1,013.85
Grafton Oil, Inc.	Sup	1,043.90
Elmer Hessheimer	Ser	300.00
Hilty's of Geneva	Sup	13.69
Horizontal Boring & Tunneling Co.	Rental	891.75
Jill's Sweet Shop	Misc	19.36
Lichti Oil	Fuel, Rep, Parts	9,104.90
Midwest Service & Sales	Parts	96.50
Midwest Unlimited	Parts	250.78
Nebraska Iowa Industrial Fasteners	Sup	124.18
The Nebraska Signal	Ad	18.01
Newman Traffic Signs	Sup	61.02
Nick's Farm Store	Equip	1,135.00
Overhead Door	Rep	284.65
Perennial Public Power	Uti	198.53
Glen T. Peterson Farms, Inc.	Rental	3,000.00
Power Plan	Parts	1,144.22
Ralph's Geneva Tire & Service Center	Rep	490.95
Donna Saltzman	Ser	30.00
Shell Fleet Plus	Fuel	1,770.86
Sutton Lumber	Sup	1,680.00
Verizon Wireless	Uti	144.02
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	79.76
Village of Ohioa	Uti	20.00
West Brothers, Inc.	Sup	19.20
Payroll	Salaries	24,707.42

Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	123.50
Judy Dondlinger	Ser	120.00
Exeter Care Center	HDM's	295.00
Geneva Senior Center	Rent, Sup	39.00
Geneva State Bank	SS	171.47
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	120.00
Lichti Oil	Fuel	20.00
Bette Mattox Manning	Ser	84.00
Brenda Motis	Mile, Sup	80.79
The Nebraska Signal	Sup	79.50
Ron's Tavern	HDM's	45.00
Rhonda Stokebrand	Mile, Sup	362.37
US Bank CPS	Sup, Post, Wksh	1,525.59
Payroll	Salaries	2,261.81

Fillmore County Treasurer	Adv	10,000.00
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Fillmore County Hospital	Jan. Taxes	2,654.32
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Ameritas Life Insurance Corp.	Ret	76.68
Friesens Chevrolet, Inc.	Equip	24,640.00
Geneva State Bank	SS	86.53
Lichti Oil	Fuel	97.50
Verizon Wireless	Uti	34.81
Payroll	Salaries	1,136.00

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

The Chairman declared the motion carried.

**LB755**

After discussion, Simacek moved and Mueller seconded the motion to send a letter to support LB755 regarding natural gas pipelines. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

Agenda items “Purchase crushed concrete, employee breaks, and emergency manager position” were tabled until the next Board meeting. As there were was no other business to come before the Board, Simacek moved and Yates seconded the motion to adjourn until 9:00 a.m., February 23, 2010. 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 9:00 a.m., February 23, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 2:17 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the February 9, 2010 Board meeting.

#### **DRIVEWAY PERMITS**

Simacek moved and Yates seconded the motion to approve the following driveway permits application:

Donna Meyer – install a new 40 ft. driveway on the west side of the NW ¼, Section 11-5-1, Franklin Township;

Thomas Peed Trust – install a new 40 ft. driveway on the west side of the NW ¼, Section 11-8-2, Fairmont Township.

Upon roll call, the vote was as follows;

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

Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT & DRIVEWAY PERMIT**

Mueller moved and Kimbrough seconded the motion to approve the following clean silt and driveway permit application:

Howard Reinsch & Jim Reinsch – clean silt from the south side of the SW ¼, Section 26-6-2 and to install a culvert in an existing driveway on the west side of the SW ¼, Section 26-6-2, Chelsea 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.

#### **SPEECE LEWIS ENGINEERS**

Tim Farmer with Speece Lewis Engineers thanked the Board for the years of business. With all the new Federal and State regulations Speece Lewis Engineers will not be able be the Construction Engineer for Federal Aid projects. Tim also informed the Board of the status of the projects that are in progress.

#### **SECTION 2-3 GRAFTON**

After discussion, Mueller moved and Cerny seconded the motion to switch the Concrete Box Culvert between Sections 2-3, Grafton Township to a soft match project rather than a Federal Aid Project. 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.

#### **FAIRMONT PROJECTS**

After discussion, Yates moved and Cerny seconded the motion to approve the following projects and engineering services to add a barrel to the concrete box between Sections 28 – 33, Fairmont Township and to possibly build a Colorado crossing between Sections 27 – 28, Fairmont Township with the approval of the 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.

#### **CRUSHED ROCK BIDS**

Bids for crushed rock were opened at 9:49 a.m. The following bids were received:

<b>Project #1 (1,400 tons):</b>	<b><u>Type 1</u></b>	<b><u>Type 2</u></b>
Westover Rock & Sand, Inc.	\$21.45	\$22.50
Stanford Madlock Trucking, Inc.	\$24.95	\$25.45
Nebraska Salt & Grain Co.	No Bid	No Bid
DPL Enterprises, DBA Nichols Const. Co.	\$23.47	\$24.97
Gana Trucking & Excavating, Inc.	\$21.94	\$24.34
<b>Project #2 (200 tons, Stockpile):</b>	<b><u>Type 1</u></b>	<b><u>Type 2</u></b>
Westover Rock & Sand, Inc.	\$21.45	\$22.50
Stanford Madlock Trucking, Inc.	\$23.95	\$24.45
Nebraska Salt & Grain Co.	No Bid	No Bid
DPL Enterprises, DBA Nichols Const. Co.	\$23.47	\$24.97
Gana Trucking & Excavating, Inc.	\$21.48	\$23.86

**CRUSHED ROCK LETTING**

After discussion, Mueller moved and Simacek seconded the motion to accept all bids and to award the lowest bidder if available. 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.

**SURPLUS**

After discussion, Yates moved and Kimbrough seconded the motion to declare the 10,000 gallon tank as surplus. 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.

**MIGRATORY BIRD ACT PLAN OF ACTION**

After discussion, Mueller moved and Simacek seconded the motion to approve the following Migratory Bird Act Plan of Action:

Fillmore County has set a "Plan of Action" in effect to meet policies and laws that are required under the Migratory Bird Act.

The State of Nebraska Department of Roads will, to the extent practicable, schedule the letting of projects such that clearing and grubbing can occur outside of the primary nesting season in Nebraska which has been determined to generally occur between April 1 and September 1. Work on structures, such as but not limited to bridges and culverts, should occur outside the primary swallow nesting season, April 15 to September 30, unless approved methods of avoiding nesting have been taken on the structure. The nesting dates above are a guide only, nesting can occur outside of these dates. Work outside of these dates is not exempt from compliance with the Migratory Bird Treaty Act.

If Fillmore County has a road improvement construction project that will be constructed during the time periods listed above, the following procedures will be followed;

If a Contactor is under contract, the following guidance is provided for compliance with the Migratory Bird Treaty Act for construction of NDOR projects:

The Contractor shall, to the extent possible, schedule work on structures, such as but not limited to bridges and culverts, and clearing and grubbing activities to occur outside the primary nesting season in Nebraska. However, if circumstances dictate that project construction or demolition must be done when nesting migratory birds may be present, a survey of the number of active nests and species of birds shall be conducted by qualified personnel representing the Contractor, the LPA's Responsible Charge Person and assisted by the Project Manager (PM), NDOR Environmental Section staff, or the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) - Wildlife Services Office.

1. The Contractor shall submit a plan to the NDOR through the LPA's Responsible Charge Person regarding how he/she intends to accomplish bridge demolition or clearing and grubbing of the project to avoid conflict with nesting migratory birds.

2. The Contractor must submit to the NDOR through the LPA's Responsible Charge Person a temporary erosion control plan tailored to fit the plan for clearing and grubbing.

3. If construction operations result in unavoidable conflict with nesting migratory bird's eggs or young, which will result in "taking" (destroying active bird nests) nests and their contents, the Contractor should notify the LPA's Responsible Charge Person and the LPA's Responsible Charge Person will then contact the NDOR Project Manager (PM). The PM shall notify the Environmental Section of Planning and Project Development by telephone at 402-479-4766.

4. The NDOR Environmental Section will then determine if assistance in conducting the survey will be provided by the NDOR Environmental Section (if available) or from the USDA APHIS - Wildlife Services Office and arrange for assistance with the survey of nest numbers, bird species, etc. Results of the survey shall be maintained by the NDOR until project completion.

5. If the nesting survey is required, and the project was awarded prior to the nesting season, and the Contractor did not accomplish clearing/grubbing outside the nesting season, the Contractor will reimburse the Department of Roads for each survey required at \$1,000 per survey. If the project was awarded during the nesting season, and construction activities are such that clearing/grubbing must be accomplished prior to any other activity on the project, then there will be no charge assessed for the initial survey. The Contractor is responsible for removing all trees surveyed, without active nests, within 5 days of the survey. Reimbursement for additional surveys may be charged if the Contractor fails to remove the trees within 5 days of the survey, and requires an additional survey. Survey reimbursement will be determined on a project specific basis, considering the project timeline and associated activities.

6. If an active nest is found during the survey, the Contractor should do everything possible to restructure his activities and leave the nest undisturbed until the young fledge (leave the nest and are no longer dependent on their parents or the nest). Fledging could occur within a week, or up to a month, after the survey depending on the species of bird and whether the nest contained eggs or young. Also depending on the species of bird and their sensitivity to disturbance, a buffer of up to 30 feet surrounding the tree with the active nest could be required by U.S. Fish & Wildlife Service.

7. If construction cannot be restructured to allow the birds to fledge, and it is determined as an unavoidable "take" circumstance, the NDOR Environmental Section and USDA APHIS Wildlife Services will document when the project let, when construction began, any circumstances that caused the project to be delayed, all efforts made by NDOR and the Contractor to avoid clearing during the nesting season, and impacts to NDOR, the Contractor and the traveling public if the project is delayed to allow fledging of the nest. This information will be presented to U.S. Fish & Wildlife Service's Law Enforcement Office in Nebraska for review and determination if "taking" the nest will be prosecuted under the Migratory Bird Treaty Act. If prosecution is avoided, then USDA APHIS Wildlife Services, NDOR Environmental Section, the LPA's Responsible Charge Person or the PM will need to be on site when the nest is removed to properly and humanely dispose of the contents of the nest, and document its destruction.

8. It is the Contractors' responsibility to schedule his work to accommodate the process of conducting a survey(s) and submitting the necessary documentation if avoidance is not practicable. The Contractor shall be responsible for using any legal and practical method to prevent the nesting of birds in order to prevent the need for any survey and prevent the need for additional surveys. It is understood and agreed that the Contractor has considered in the bid all of the pertinent requirements concerning migratory birds (including endangered species) and that no additional compensation, other than time extensions if warranted, will be allowed for any delays or inconvenience resulting in these requirements.

If a Contactor is not under contract, Fillmore County will use the following guidance for compliance with the Migratory Bird Treaty Act for construction of the NDOR project and will continue to do so until a Notice to Proceed is received from the State of Nebraska Department of Roads informing Fillmore County they can proceed with construction activities:

1. Prior to April 1<sup>st</sup>, Fillmore County will inspect all trees, bushes and drainage structures in the construction footprint area for active bird nest. If active nests are found, Fillmore County will notify the NDOR Project Manager (PM). The PM shall notify the Environmental Section of Planning and Project Development by telephone at 402-479-4766. All inactive nest will be removed from the construction site.

2. Prior to April 1<sup>st</sup>, if no active nests are found, Fillmore County will perform the cutting of trees 4 feet above ground level and removing brush from the project where birds may build nest. The remaining clearing and grubbing phase of the project can be finished by the Contractor after the Contractor has an executed Contract and Notice to Proceed from NDOR.

3. Prior to April 1<sup>st</sup>, if no active nests are located in the structures in the project foot print area, Fillmore County will remove all inactive nest. Fillmore County will place bird netting under any structure that is scheduled to be demolished and replaced.

4. Fillmore County will continue to monitor all structures in the construction foot print area for freshly built bird nest and remove them until the responsibilities of the Migratory Bird Act and the requirements by the State of Nebraska can be turned over to the contractor.

5. If a CE Consultant is not under contract, Fillmore County's RC Person will enter notes into the Site Manager Program in regards to the required record keeping and documentation of activities on the construction project during this phase of the project.

6. Fillmore County will work closely with the appointed State of Nebraska Project Manager for the project so all requirements and laws are met.

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.

## COMPREHENSIVE PLAN

Patt Lentfer with the Economic Development Corporation; Jerri Daniels, Zoning Administrator; Sharon Elznic, Morley Most, Merle Noel, Reg Noel and Mark Morgan with the Planning Commission attended the discussion.

After discussion it was decided that at the March 23<sup>rd</sup> Board meeting we would request that JEO and the Planning Commission attend to decide what options would be selected for the update to the Comprehensive Plan.

### 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	30.00
Ameritas Life Insurance Corp.	Ret	2,617.98
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	515.41
Blue Cross Blue Shield of Nebraska	Insur	16,580.40
Mary Brinkman	Sup	21.26
William L. Burgess	Uni, Post	35.88
Daryl L. Callenius	Uni, Misc.	60.20
Helen Cellar	Spelling Contest	50.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	227.86
Erdkamp Motors	Main	36.00
First Concord Benefits Group, Inc.	Insur	3,247.21
Gall's Inc.	Sup	188.19
Gambles	Sup	210.20
The Garbage Company	Ser	27.35
Geneva State Bank	SS	2,743.03
Geneva Super Foods	Sup	440.25
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
Robert Hester	Uni	35.00
Holiday Inn	Lodging	365.00
Hometown Leasing	Ser	128.44
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Misc.	2,671.48
Kerry's Auto Repair & Service	Main	38.15
Lafayette Life Insurance Company	Insur	170.88
Lease Consultants Corp.	Ser	249.00
Ann H. McDonald	Ret	18.00
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power	Uti	870.32
Sherri Nun	Spelling Contest	100.00
Quartermaster	Sup	389.91
Steven G. Roemmich	Uni	35.00
Seward County Sheriff	Boarding Prisoner	195.00
Shell Fleet Plus	Fuel	1,657.81
State of Nebraska AS Central Services	Ser	48.25
Carol Strothkamp	Spelling Contest	50.00
Total Funds by Hasler	Post	700.00
Trailblazer RC & D	Dues	100.00
Verizon Wireless	Uti	633.67
Terri Volkmer	Ser, Mile	620.00
Weaver Pharmacy	Sup	19.52
West Payment Center	Sup	175.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,111.49
York Medical Clinic	Ser	50.11
Payroll	Salaries	38,007.17

#### ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,651.93
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	249.39
Dorchester Farmers Coop	Fuel, Parts, Sup	383.01
Gambles	Parts, Sup, Misc.	66.82
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,773.43
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	66.94
Donovan Jirkovsky	Ret	25.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel	6,697.69

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Medical Enterprises, Inc.	Sup	89.70
Midwest Service & Sales	Parts	115.00
NMC Exchange, LLC	Parts	1,939.92
Nebraska Public Power District	Uti	348.76
Office Depot Credit Plan	Sup	78.97
Speece Lewis Engineers	Ser	453.50
Verizon Wireless	Uti	87.10
Village of Grafton	Uti	21.07
Windstream	Uti	155.57
Yant Equipment, Inc.	Equip	3,324.72
Payroll	Salaries	24,473.09

**INSTITUTIONS FUND:**

State of Nebraska, Health & Human Serv.	Jan. 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
Geneva State Bank	SS	169.34
Lafayette Life Insurance Company	Insur	9.00
Windstream	Uti	264.48
Payroll	Salaries	2,233.94

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	76.68
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	86.53
Lafayette Life Insurance Company	Insur	4.50
Verizon Wireless	Uti	43.55
Payroll	Salaries	1,136.00

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	160.30
Windstream	Uti	1,014.83

**CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

**HORSE CASE**

County Attorney, Jill Cunningham informed the Board that Norman Graves owner of the horses that the County made claim to due to malnutrition was filing bankruptcy.

After discussion, Mueller moved and Yates seconded the motion to file a claim with the bankruptcy court and hire Attorney Dana London with London Law Office, P.C., L.L.O. and to spend no more than a \$1,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**EMPLOYEE BREAKS**

Joan Ackland, Peggy Birky, Barb Trapp, Lynn Mussman, Gina Swartzendruber, Darlene Vodicka, and Carol Hoarty were present for the discussion regarding employee breaks.

After discussion, the Board decided to leave employee breaks as they are currently. Employees will receive a fifteen (15) minute break in the morning and afternoon. Employees are allowed to leave the courthouse if they choose.

**FEDERAL EMPLOYEE BENEFITS**

Mark Headrick with Federal Employee Benefits gave a presentation to the Board at the February 9<sup>th</sup> Board meeting.

After discussion, the Board decided to allow Federal Employee Benefits to put a payroll stuffer in employees pay checks. If the employee would like more information they may contact them directly.

**ADJOURN**



February 23, 2010

Agenda items “Courthouse tower shingles & clock repair and Emergency Manager job description” were tabled until the next Board meeting. As there were was no other business to come before the Board, Yates moved and Cerny seconded the motion to adjourn until 9:10 a.m., March 9, 2010. 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 9:15 a.m., March 9, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 2:29 p.m.

### **MINUTES APPROVED WITH CORRECTIONS**

After discussion, Yates moved and Cerny seconded the motion to approve the minutes from the February 23, 2010 Board meeting adding that Craig Wacker with JEO Consulting Group, Inc. was on a conference call during the Comprehensive Plan discussion. 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.

### **TOWNSHIP CONSOLIDATION**

Larry Biester and James Oberlander were present for the discussion regarding township consolidation on the 2010 General election ballot. After discussion, the Board decided to invite the township's to the next meeting March 23, 2010 at 1:00 p.m. for further discussion.

### **FRACTURE CRITICAL BRIDGE INSPECTIONS**

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

#### **RESOLUTION 2010 - 08**

**WHEREAS**, Fillmore County is proposing a transportation project for which it would like to obtain Federal funds;

**WHEREAS**, Fillmore County understands that it must strictly follow all Federal, State, and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**WHEREAS**, Fillmore County and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

**BE IT RESOLVED**, by the Board of Supervisors of Fillmore County that:

Ray Capek – Chairman of the Fillmore County Board of Supervisors is hereby authorized to sign the attached Project Program Agreement between Fillmore County and the NDOR.

Fillmore County is committed to providing local funds for the project as required by the Project Program Agreement.

NDOR Project Number BR-NBIS(83),  
NDOR Control Number 00810,  
Fracture Critical Bridge Inspections.

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.

### **FRACTURE CRITICAL BRIDGE INSPECTIONS AGREEMENT**

Mueller moved and Yates seconded the motion to approve and sign the Fracture Critical Bridge Inspections Agreement with the State of Nebraska in the amount of \$12,835.80 with County share being \$2,567.16. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **GRAVEL BIDS**

Bids for gravel were opened at 9:46 a.m. The following bids were received:

#### **REGULAR ROAD GRAVEL**

March 9, 2010

**Beatrice Concrete Co.:** Belle Prairie \$11.55, Chelsea \$12.25, Franklin \$11.30, Glengary \$12.00, Liberty \$12.75, and Stockpile \$8.70;

**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 \$10.75, Bennett \$10.99, Bryant \$11.05, Chelsea \$11.29, Exeter \$9.89, Fairmont \$9.44, Franklin \$10.55, Geneva \$11.25, Glengary \$10.99, Grafton \$11.19, Hamilton \$11.45, Liberty \$10.19, Madison \$10.44, Momence \$11.59, Stanton \$11.43, West Blue \$10.26, and Stockpile \$7.70.

#### 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 \$15.15, Bennett \$15.19, Bryant \$15.55, Chelsea \$15.44, Exeter \$14.95, Fairmont \$14.44, Franklin \$14.70, Geneva \$15.45, Glengary \$15.60, Grafton \$15.68, Hamilton \$15.43, Liberty \$15.18, Madison \$14.89, Momence \$15.64, Stanton \$15.48, West Blue \$14.70, and Stockpile \$12.05

#### **GRAVEL LETTING**

After discussion, Mueller moved and Yates seconded the motion to accept all bids. 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.

#### **TITLE VI – CIVIL RIGHTS**

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

#### **RESOLUTION 2010-09**

**WHEREAS**, certain transportation facilities (road, streets, 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;

**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 and the Americans with Disabilities/Section 504 – Civil Rights Policy of Fillmore County; 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 laws, 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 and the Americans with Disabilities/Section 504 – Civil Rights of Fillmore County.

**BE IT FURTHER RESOLVED**, The Fillmore County Board of Supervisors does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: Chairman of the Board of Supervisors.

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.

#### **AMERICANS WITH DISABILITIES/SECTION 504 POLICY**

After discussion, Mueller moved and Galusha seconded the motion to approve the Americans with Disabilities/Section 504 of Rehabilitation Act policy as presented by the Highway Superintendent. Order to be placed on file at the County Clerk's office. 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 CEMETERIES

Larry Cerny received a letter from Richard Horton regarding mowing county cemeteries.

After discussion, Yates moved and Cerny seconded the motion to go out to bid for the mowing of the four county cemeteries. The bidding process will be held at a future Board meeting. 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.

ZONING MAPS

Planning & Zoning Administrator, Jerri Daniels; County Assessor, Joan Ackland; and Planning Commission member Lanny Ackerman were present for this discussion.

Joan informed the Board that GIS Workshop would create the zoning layer in GIS for free and then her office would have the capability to make changes as needed. GIS Workshop would also allow for the Planning & Zoning office to have a free read and print only version on their computer. After discussion, the Board agreed that they would go with GIS Workshop for this portion of the Comprehensive Plan update to reduce the cost.

SENIOR SERVICES FUND RAISER

Brenda Motis, Senior Services Director informed the Board that Senior Services will be having a Barbeque Ribs and Chicken fund raiser on April 10<sup>th</sup> at the Milligan American Legion. Brenda asked if the Board members would be willing to assist in serving the meal.

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	57.50
Howard F. Ach, Atty.	Rent, Post	3,275.61
All Around Lawn Care	Ser	30.00
Ameritas Life Insurance Corp.	Ret	2,643.89
Chara Bauld	Meals, Mile	91.90
Black Hills Energy	Uti	1,506.08
Larry Cerny	Mile	137.50
City of Geneva	Uti	148.90
Constellation Energy	Uti	256.96
Corner Stop	Fuel	145.26
Jill Cunningham	Meals	11.87
Earls Window Service	Ser	5.00
Erdkamp Motors	Main	36.00
Fillmore County American Legion	Meals	485.00
Fillmore County Development Corp.	Budget request	10,000.00
First Concord Benefits Group, LLC	Ser, Deductible	1,646.07
Galls	Sup	48.98
The Garbage Company, Inc.	Ser	171.04
Geneva Broadband, LLC	Ser	49.99
Geneva State Bank	SS	2,776.93
Geneva Super Foods	Sup	455.26
Hometown Leasing	Ser	524.85
Sue Imig	Spelling Contest	45.00
Jim's Repair	Rep	383.13
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,780.00
Stephen J. Kraviec	Ser, Post	1,695.37
Lancaster County Sheriff	Ser	38.12
Lichti Oil	Fuel	11.75
Madison National Life	Insur	160.38
Microfilm Imaging Systems, Inc.	Ser	64.00
Mid-American Research Chemical	Sup	194.00
MIPS, Inc.	Ser, Equip	3,932.51
Nebraska Association of County Officials	Wksh	250.00
Nebraska Law Enforcement Training Center	Wksh	50.00
The Nebraska Signal	Ads, Sup	1,189.64
NIRMA	Wksh	30.00
Norrie Construction	Rep	113.50
O'Keefe Elevator Company, Inc.	Main	222.76

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Dawn Opfer	Sup	39.76
Platte Valley Communications	Sup	12.00
Progressive Automotive	Rep	162.00
Ralph's Geneva Tire & Service Center	Main	53.50
Jon Scoville	Mile	70.00
Southeast District County Official Assoc.	Wksh	126.00
State of Nebraska AS Central Finance	Ser	448.00
University of Nebraska	Sup	320.86
UN-L IS-Telecommunications	Uti	6.88
Windstream	Uti	230.37
Payroll	Salaries	38,445.53

**ROAD/BRIDGE FUND:**

Action Auto Supply	Sup, Parts	314.18
Ameritas Life Insurance Corp.	Ret	1,778.02
Auto Value Parts Stores	Parts, Sup	494.32
Baum Hydraulics	Parts	27.04
Black Hills Energy	Uti	1,270.36
Century Lumber Center	Parts, Sup, Misc.	151.13
City of Geneva	Uti	60.20
Dorchester Farmers Coop	Fuel	67.11
Farm Plan	Parts	117.17
Friesen Chevrolet, Inc.	Parts	159.25
The Garbage Company	Ser	84.27
Geneva Implement	Parts	72.90
Geneva State Bank	SS	1,916.30
Geneva Welding & Supply, Inc.	Parts, Sup	839.63
Grafton Oil, Inc.	Sup	974.98
Grainger	Rep	453.05
Holiday Inn of Kearney	Lodging	71.00
Lichti Oil	Fuel, Rep	14,610.13
M & B Business Machine Service	Sup	90.00
Madison National Life	Insur	87.99
Michl Service	Fuel	116.00
Midwest Service & Sales	Parts	760.00
Mike's Radiator & Tire	Rep	15.00
Nebraska Bolt	Sup	145.68
Nebraska Iowa Industrial Fasteners	Sup	269.78
The Nebraska Signal	Ads	31.92
Nichols Collision Center	Ser	55.00
Nick's Farm Store	Parts	9.14
Perennial Public Power District	Uti	230.16
Power Plan	Parts, Rep	2,028.66
R & D Parts DBA Geneva Carquest	Parts	10.59
Ralph's Geneva Tire & Service Center, Inc.	Rep, Parts	3,354.55
SE District County Official Association	Wksh	36.00
Sargent Drilling	Equip Rental	2,400.00
Shell Fleet Plus	Fuel	1,562.85
Superior Deshler, Inc.	Fuel	43.84
US Bank CPS	Sup, Post	92.26
Village of Fairmont	Uti	95.95
Village of Grafton	Uti	21.07
Payroll	Salaries	26,340.86

**EMPLOYMENT SECURITY FUND:**

State of Nebraska Dept. of Labor	Misc	318.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	130.00
Judy Dondlinger	Ser	120.00
Exeter Care Center	HDM's	260.00
Geneva Senior Center	Rent, Sup	39.00
Geneva State Bank	SS	170.41
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	132.00
Jeannine Krejci	Ser	84.00
Madison National Life	Insur	9.00
Bette Mattox Manning	Ser	144.00
Brenda Motis	Mile	45.50
Rhonda Stokebrand	Mile	49.25
Payroll	Salaries	2,247.88

**INHERITANCE TAX FUND:**

S & S By-Products	Misc.	300.00
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	76.68
Central Community College	Wksh	160.00

Geneva State Bank	SS	86.53
Madison National Life	Insur	4.50
Southeast District County Official Assoc.	Wksh	18.00
Verizon Wireless	Uti	17.02
Payroll	Salaries	1,136.00

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

The Chairman declared the motion carried.

Rhonda Taft, Director of Transportation with Southeast Community College in Lincoln and Marvin Kohout with Traffic Safety Plus in Lincoln each gave a presentation on how they handle the Safety Training Option Program (S.T.O.P. Program). County Attorney, Jill Cunningham and Deputy County Attorney Howard Ach were also present.

2010: Cerny moved and Simacek seconded the motion to approve the fee reports for the month of February

Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

After discussion, Cerny moved and Kimbrough seconded the motion to send a letter of support regarding the funding through the Nebraska Environmental Trust. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

After discussion, Yates moved and Mueller seconded the motion to approve the job description for the Emergency Manager. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Agenda item "Federal Funding Application" was tabled until the next Board meeting. As there was no other business to come before the Board, Yates moved and Simacek seconded the motion to adjourn until 9:00 a.m., March 23, 2010. 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 9:00 a.m., March 23, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. Cerny was absent at 2:05 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 2:48 p.m.

### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the March 9, 2010 Board meeting.

### **ASSESSOR UPDATE**

Joan Ackland, County Assessor informed the Board that they were in the process of putting together the abstract to be sent to the state.

### **RC & D UPDATE**

Steve Meyer with Trailblazer RC & D presented the 2009 annual report and an update as to what projects will be held in 2010 in Fillmore County.

### **AGUIRRE SUBDIVISION**

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Aguirre Subdivision, located in Section 16-5-1, Franklin Township.

Mueller moved and Yates seconded the motion to approve the plat for the Aguirre Subdivision as follows:

A tract of land located in the NE ¼ of Section 16, Township 5 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska described as follows: beginning at the NE corner of said NE ¼, thence S01°17'37"E (assumed bearing) on the east line of said NE ¼, 254.00 feet; thence S87°34'00"W on the north line of a cemetery, 180.30 feet; thence S01°00'00"W on the west line of said cemetery, 81.35 feet; thence S88°26'06"W parallel with the north line of said NE ¼, 450.88 feet; thence N01°33'54"W, 338.00 feet to the north line of said NE ¼, thence N88°26'06"E on said north line, 636.00 feet to the point of beginning, containing 4.58 acres more or less.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman 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:**

Ameritas Life Insurance Corp.	Ret	2,689.82
Aramark Uniform Services, Inc.	Ser	652.86
Blue Cross Blue Shield of Nebraska	Insur	17,133.08
Blue Valley Community Action Partnership	Budget request	10,335.00
Bob Barker Company, Inc.	Sup	50.71
Business World Products	Main	288.00
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Contryman Associates, P.C.	Ser	1,200.00
Dell Marketing, L.P.	Equip	1,163.24
Dollar General	Sup	18.00
Eakes Office Plus	Sup	260.46
Executive Copier Services	Ser	68.31
Fillmore County Treasurer	Sup, Wksh, Post, Taxes	14,092.49
Fillmore Concord Group, Inc.	Insur	763.30
Gambles	Sup	146.46
Geneva State Bank	Ser, SS	2,888.52
Norma Gregory	Ret	25.00
Hamilton County Sheriff	Ser	24.36
Hasler Financial Services	Ser	152.37
Holiday Inn	Lodging	140.00
Hometown Leasing	Ser	128.44
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,628.10
Lease Consultants Corp.	Ser	249.00

March 23, 2010

Madison National Life	Insur	10.68
Ann H. McDonald	Ret	18.00
Midwest Messenger	Ad	88.00
MIPS, Inc.	Ser	27.00
Rich Mueller/Thomas Biegert	Rent	650.00
Multi Service Corp.	Equip	518.57
Nebraska Public Power District	Uti	853.89
Platte Valley Communications of Hastings	Sup	100.00
Lyndsey Pohlmeier	Mile	42.50
Ramada Inn	Lodging	201.45
Robinson Textiles	Sup	374.55
Spencer Fane Britt & Browne, LLP	Ser	874.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
Total Funds by Hasler	Post	700.00
University of Nebraska – Coop Ext. Div.	Sup	71.54
University of Nebraska – Lincoln	Salary	2,065.44
US Bank CPS	Wksh	95.00
USDA, APHIS	Ser – budget request	3,743.50
Verizon Wireless	Uti	477.22
Terri Volkmer	Ser	465.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,113.27
Payroll	Salaries	39,076.37

**ROAD/BRIDGE FUND:**

A.S.P. Enterprises, Inc.	Sup	360.80
Ameritas Life Insurance Corp.	Ret	1,608.77
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Misc.	33.57
City of Geneva	Sup	1,126.85
Gambles	Sup	62.33
Geneva State Bank	SS	1,734.70
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	64.24
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	46.50
Kerry's Auto Repair & Service	Rep	12.00
Lichti Oil	Fuel	2,299.03
Midwest Messenger	Ad	88.00
NMC Exchange, LLC	Parts	1,897.87
Nebraska Public Power	Uti	390.44
Newman Traffic Signs	Sup	799.23
Office Depot Credit Plan	Sup	214.12
Overland Sand & Gravel	Gravel	1,455.20
Todd E. Pribyl	Easement	25.00
Speece Lewis Engineers	Ser	432.50
US Bank CPS	Post	12.37
Verizon Wireless	Uti	42.47
Village of Exeter	Uti	15.00
Westover Rock & Sand, Inc.	Gravel	6,964.15
Windstream	Uti	148.31
Payroll	Salaries	23,966.55

**ECONOMIC DEVELOPMENT – TOURISM FUND:**

Fillmore County Development Corp.	Ad, Ser, Sup, Mile	633.52
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**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	133.86
Janet Bartak	Mile	18.00
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Geneva State Bank	SS	172.19
Windstream	Uti	146.56
Payroll	Salaries	2,271.10

**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Febr. Taxes	3,193.43
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	76.68
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Fillmore County Treasurer	Misc	15.00
Geneva State Bank	SS	86.53
Midwest Messenger	Ad	88.00
Verizon Wireless	Uti	39.77





										March 23, 2010	
Contech	7.30	8.84	11.88	18.20	21.80	35.60	40.60	45.50	64.30	76.80	98.40
Metal Culverts	7.62	9.04	12.10	18.70	22.30	36.65	41.75	47.60	66.98	79.97	115.40
Midwest Services	8.34	9.91	13.23	19.90	23.78	38.49	43.83	49.16	70.09	83.53	96.97

	<u>ELLIPTICAL HELICAL SQUASH PIPE</u>										
	15"	18"	24"	30"	36"	42"	48"	54"	60"	72"	84"
Ace Eaton	7.75	9.15	10.15	18.75	22.00	36.35	42.35	46.35	66.35	78.75	112.00
Big R Bridge	No Bid										
Contech	7.70	9.24	12.38	19.10	22.90	36.40	41.70	47.10	66.20	79.70	106.30
Metal Culverts	8.16	9.56	12.92	19.52	23.26	37.74	42.91	48.89	68.41	81.74	117.95
Midwest Services	9.15	10.82	14.24	21.10	24.98	39.89	45.43	51.16	73.09	87.53	101.64

**CULVERT PIPE LETTING**

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

The Chairman declared the motion carried.

**PROJECT BRO-7030(33)**

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

**RESOLUTION 2010 - 10**

**WHEREAS**, there has been signed by Fillmore County on the 27<sup>th</sup> day of December 2005, and the State on the 4<sup>th</sup> day of January, 2006, an agreement providing for the construction of a Federal Aid Project at the following location: beginning approximately 0.15 mile south of the Northwest corner of Section 34, Township 7 North, Range 2 West and extends north 0.2 mile and resuming 0.06 mile west of the Northwest corner of Section 34, Township 7 North, Range 2 West and extends east 0.15 mile.

**WHEREAS**, in the above agreement, the County has pledged sufficient funds to finance its share of the cost of the construction of this project identified as BRO-7030(33), and

**WHEREAS**, the above mentioned agreement provided that the County would pay all costs not paid for with Federal or State funds, and

**WHEREAS**, the State received bids for the construction of this project on March 4, 2010 at which time eight bids were received for the construction of this proposed work, and

**WHEREAS**, the following contractor(s) for the items of work listed has been selected as the low bidder(s) to whom the contract(s) should be awarded:

TCW Construction, Inc., Lincoln, Nebraska  
 Grading, Culverts and General Items: \$339,480.28

**NOW THEREFORE**, in consideration of the above facts, the Board of Supervisors of Fillmore County, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Board hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Board hereby authorizes the Chairman to sign the contract(s) with the above mentioned contractor(s) for the above mentioned work.
4. The Board does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**MOWING SPECIFICATIONS**

After discussion, Yates moved and Cerny seconded the motion to accept the mowing specifications and have a letting on April 27<sup>th</sup> for mowing the four county cemeteries. 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.

### **TRAFFIC PAINT STRIPPING**

After discussion, Kimbrough moved and Cerny seconded the motion to accept the bid from Sawyer for a total price of \$7,863.30 that the Highway Superintendent received to traffic paint stripping on County owned paved roads. 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.

### **DISCUSSION REGARDING EMPLOYEE BREAKS**

Brandy VanDeWalle, Mary Brinkman, Eric Williams, Todd Boller, Brenda Motis, Elmer Hessheimer, Jerri Daniels, and Richard Ellison were present for the discussion regarding employee breaks with the Board.

### **CUSTODIAN UPDATE**

Richard Ellison, Building & Grounds Supervisor informed the Board of repairs that are needed to the courthouse and the grounds.

### **COMPREHENSIVE PLAN**

Craig Wacker with JEO Consulting Group, Inc.; Jerri Daniels, Zoning Administrator, Sharon Elznic, Morley Most, and Merle Noel, Planning Commission Board members were present for the discussion.

After discussion, Yates moved and Mueller seconded the motion to have JEO Consulting Group, Inc. update the following sections of the comprehensive plan: goal and policies, future land use and transportation, and to hold the necessary public hearings for the amount of \$13,500.00. 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.

### **TOWNSHIP CONSOLIDATION**

David L. Krupicka and John Becker with Liberty Township; Sterling Dyer with Exeter/Fairmont Township; Larry Biester, James Oberlander, and Joe Hoarty with Geneva Township; Richard Hoarty, Bob Fessler, and Don A. Griess with Bennett Township; Russ Kleinschmidt with Stanton Township; Jerry Engle and Larry Nun with Chelsea Township, Wayne Matejka and Wayne Houchin Jr. with Belle Prairie Township; Galen Niederklein, Morley Most, and Gaylen Dunse with Franklin Township; Roger Pribyl and Henry J. Rohla Jr. with Glengary Township; Tom Novak and Doug Hafer with Madison Township; Scott Houck, Darrell Saltzman, and Arnold Heinrichs with Hamilton Township were present for the discussion of whether to put the question on the 2010 General Election ballot to switch to commissioner form of government and disband the township government. Also discussed was the effects LB768 would have on Fillmore County if select townships decided to disband. The Board will discuss this whether to put the question on the ballot at a future board meeting.

### **RURAL TRANSIT**

Crystal Norvell and Brenda Sherwin presented the budget for 2010-2011 for the Fillmore County Rural Transit in the amount of \$19,440.00, which will be discussed later this summer. They also presented documents for Federal and State funding.

### **FEDERAL FUNDING FOR RURAL TRANSIT**

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

#### **RESOLUTION 2010-11**

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

**WHEREAS**, Fillmore County desires to apply for said funds to be used to provide public transportation in Fillmore County.

**NOW THEREFORE, BE IT RESOLVED**; that the Fillmore County Board of Supervisors hereby instructs the Fillmore County Clerk to apply for the above said funds. Said funds are to be used for Fillmore County Rural Transit Transportation operations in the Fiscal Year 2010 – 2011 Application for Public Transportation Assistance.

Upon roll call, the vote was as follows:

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

Nays: None

Abstaining: Simacek

The Chairman declared the resolution adopted.

**RURAL TRANSIT CONTRACT WITH BLUE VALLEY**

Kimbrough moved and Mueller seconded the motion to approve and sign the contract with Blue Valley Community Action, Inc. for rural transit in Fillmore County beginning July 1, 2010 and ending June 30, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**FEDERAL & STATE FUNDING**

Mueller moved and Yates seconded the motion to approve and sign the Federal and State funding applications for fiscal year 2010/2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**CERTIFICATION AND ASSURANCES**

Mueller moved and Galusha seconded the motion to approve and sign the 2010 Certifications and Assurances for Federal Transit Administration Assistance Program. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**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 authorized by Statute to be discussed in executive session. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried and requested that the Highway Superintendent and the County Clerk remain. Executive session began at 2:34 p.m.

**RETURN TO REGULAR SESSION**

Yates moved and Kimbrough seconded the motion to return to open session at 2:46 p.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

As there was no other business to come before the Board, Kimbrough moved and Mueller seconded the motion to adjourn until 9:10 a.m., April 13, 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.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 6, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. The County Clerk was present to record the minutes of the 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 9:55 a.m.

#### **EMERGENCY MANAGER POSITION**

All Board members and Sheriff William Burgess reviewed the five applications that were received for the emergency manager position. After review and discussion it was decided to interview all five applicants at either the April 13<sup>th</sup> Board meeting or the special Board meeting on April 16<sup>th</sup>. Will make the final decision at the April 27<sup>th</sup> Board meeting.

#### **ADJOURN**

As there were was no other business to come before the Board, Mueller moved and Cerny seconded the motion to adjourn until 9:00 a.m., April 13, 2010. 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.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 13, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Mueller, Galusha, and Cerny. Simacek was absent and Kimbrough was absent from 10:00 a.m. to 1:00 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 2:35 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the March 23<sup>rd</sup> and the April 6, 2010 Board meetings.

#### **FEE REPORTS**

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

**County Clerk:** \$11,082.83 (State \$6,639.69 & County \$4,443.14)

**Sheriff:** \$2,170.72

**Clerk of the District Court:** \$842.52

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **VETERAN'S SERVICE GROUP**

Eric Williams, Fillmore County Veteran's Service Officer informed the Board that there has been a new organization created for Veteran's Service officers in Nebraska. The Nebraska Association of Professional Veteran's Advocates has been created and currently seven counties have joined: Douglas, Lancaster, York, Seward, Gage, Lancaster, and Fillmore. The association will follow the Federal VA regulations and have sent out invitations for other counties to join.

#### **DRIVEWAY PERMITS**

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

David Zeleny – widen an existing driveway to 40 ft. on the south side of the SW ¼, Section 28-7-1, Liberty Township;

Kleinschmidt Farms – widen an existing driveway to 40 ft. on the east side of the NE ¼, Section 2-6-4, Momence Township;

Shirley Moul – install a new 40 ft. driveway on the south side of the SW ¼, Section 12-8-3, West Blue Township;

Shane Bristol – widen an existing driveway to 40 ft. on the east side of the SE ¼, Section 11-8-3, West Blue Township;

Kathy Chromy – install a new 40 ft. driveway on the east side of the SE ¼, Section 36-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT PERMITS**

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

Loydeen Stengel – clean silt along the west side of the NW ¼ and the SW ¼, Section 25-6-4, Momence Township;

Kleinschmidt Farms – clean silt along the east side of the NE ¼, Section 2-6-4, Momence Township;

Kleinschmidt Farms – clean silt along the west side of the NW ¼ and the SW ¼, Section 1-6-4, Momence Township.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## OCCUPY COUNTY RIGHT OF WAY PERMIT

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

Joel Pospisil – install electric line between the NE ¼ of Section 23 to the SE ¼ of Section 14 and from the SE ¼ of Section 14 to the SW ¼ of Section 13-7-1, 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.

Dale Weber – install electric line between the NE ¼ of Section 14 and the SE ¼ of Section 11-7-2, Madison 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: Galusha, Capek, Yates, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the motion carried.

## GENEVA EAST PROJECT

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

### RESOLUTION 2010 - 12

**WHEREAS**, Fillmore County and Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**WHEREAS**, Fillmore County understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**WHEREAS**, Fillmore County and NDOR wish to enter into a Supplemental Project Program Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**BE IT RESOLVED**, by the County Board of Supervisors of Fillmore County that:

Ray Capek – Chairperson of the Fillmore County Board of Supervisors, is hereby authorized to sign the attached Supplement Project Program Agreement YL0601, Supplement Number 2 between Fillmore County and the NDOR.

Fillmore County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number BRO-7030(33),  
NDOR Control Number 42436  
Project Name – Geneva East

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

## GENEVA EAST PROJECT

Mueller moved and Galusha seconded the motion to approve and sign the contract with the State of Nebraska Department of Roads for the Geneva East project #BRO-7030(33) to receive American Recovery and Reinvestment Act (ARRA) funds. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## LIBERTY TOWNSHIP PROJECT

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

### RESOLUTION 2010 – 13

**WHEREAS**, The Fillmore County Board of Supervisors directed the County Highway Superintendent to make a study of use of County Road 23, between Road J and Road K and to submit within thirty (30) days a written report of his recommendation of the vacation of Road 23.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

### REPRESENTATIVE FOR DISASTER

After discussion, Mueller moved and Yates seconded the motion to appoint Larry Cerny as the authorized representative for the federally declared disaster #1878. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### PUBLIC HEALTH SOLUTIONS

M. Jane Ford Witthoff and Sharon Clouse with Public Health Solutions informed that Board of the new and upcoming things that they are doing. Public Health Solutions have received a grant to place AED devices where they are needed, will be working with officials to identify the needs in Fillmore County.

### HOSPITAL UPDATE

Paul Utemark, CEO Fillmore County Hospital gave a presentation to the Board regarding "Looking to the Future" of health care in Fillmore County.

### ASSESSOR'S OFFICE UPDATE

Joan Ackland, County Assessor informed the Board that she had received her assessment ratios and that she is in disagreement with the agricultural median. The Assessor and Appraiser feel using only Fillmore County sales the median should be 72% but due to the Property Tax Administrator using sales from other counties it dropped the median to 70%. After discussion, the Board requested that the County Assessor and Appraiser attend the County's Equalization hearing and discuss where the Property Tax division came up with the borrowing of sales from surrounding counties.

### COMPREHENSIVE PLAN

Geraldine Daniels, Planning & Zoning Administrator requested that she be allowed to work eight hours extra a week to work on the maps for the Comprehensive plan update. After discussion, the Board approved her to work the extra hours for about two months.

### 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, Wksh	3,484.36
Lanny Ackerman	Mtg, Mile	30.00
American Legion Emblem Sales	Sup	177.60
Ameritas Life Insurance Corp.	Ret	5,319.15
Jon Anderson	Uni, Misc	135.00
Andrews Electric Co., Inc.	Rep	116.50
Auto Value Parts Stores	Rep	15.99
B & J Automotive, LLC.	Rep	464.39
Black Hills Energy	Uti	1,212.70
William L. Burgess	Uni, Meals, Misc.	165.79
Daryl L. Callenius	Uni, Meals, Misc	211.54
Randall Capek	Mile	14.00
Century Lumber Center	Sup	2.08
City of Geneva	Uti	148.90
Constellation Energy	Uti	216.48
Geraldine Daniels	Mile	67.00
Dell Marketing, L.P.	Equip, Sup	3,000.33
Des Moines Stamp	Sup	159.70
Eakes Office Plus	Sup	1,064.94
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Ser	1,020.00
Sharon Elznic	Mtgs, Mile	69.00
Executive Copier Services	Sup	82.06
Fillmore County Court	Fees	1,106.30
Fillmore County Treasurer	Post, Misc, Taxes	39,067.67
First Concord Benefits Group	Ser, Insur	449.87
The Garbage Co., Inc.	Ser	174.88
Geneva State Bank	SS	5,532.36
John Griess	Mtgs, Mile	56.00
Matt Harre	Mtgs, Mile	67.50



April 13, 2010

Bob Hester	Uni, Meals, Misc	144.73
Hillyard/Sioux Falls	Sup	37.00
Hilty's of Geneva	Sup	154.04
Hometown Leasing	Ser	524.85
Jim's Repair	Rep	469.78
Steve Julich	Uni, Misc	135.00
Kalkwarf & Smith Law Offices, LLC.	Ser, Post, Uti	2,625.29
Richard Kleinschmidt	Mile	8.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	8,149.00
Stephen J. Kraviec	Ser, Post	1,733.53
Lease Consultants Corp.	Ser	249.00
Lehman Reporting Services	Ser	152.25
Lichti Oil	Fuel	50.36
Harold Long	Mile	9.50
Lynn Peavey Company	Sup	23.94
Madison National Life	Insur	140.88
Thomas Manning	Mtgs, Mile	48.00
Microfilm Imaging Systems, Inc.	Ser	64.00
Mid-American Research Chemical	Sup	395.01
Midwest Mailing Systems, Inc.	Sup	145.00
MIPS, Inc.	Ser	3,562.62
Mobile Binders	Rep	560.50
Mark Morgan	Mtgs, Mile	54.00
Morley Most	Mtgs, Mile	90.00
Multi Service Corporation	Sup	177.14
Marvin Nadherny	Mtgs, Mile	54.00
National Assoc. of County Veterans		
Service Officers	Wksh	300.00
Nebraska Clerk of the District Court Assoc.	Dues	25.00
Nebraska Planning & Zoning Assoc.	Wksh	70.00
The Nebraska Signal	Ads, Proc, Sup	2,028.42
Merle Noel	Mtgs, Mile	35.50
Reg Noel	Mtgs, Mile	61.50
Norrie Construction	Rep	215.94
OMB's Express Police Supply	Uni	272.94
Otoe County Court	Ser	2.00
Parade of Flags	Sup	196.50
Pawnee County Sheriff	Ser	29.19
Lyndsey Pohlmeier	Wksh, Mile	34.50
Quill	Equip	359.99
Ralphs Geneva Tire & Service Center, Inc.	Main	129.25
Region V Services	Budget request	2,952.25
Rep Co. Marketing, Inc.	Sup	34.50
Steven G. Roemmich	Uni, Misc	135.00
Shell Fleet Plus	Fuel	2,121.28
State of Nebraska AS Central Finance	Ser	448.00
Allen Stuckey	Mtgs, Mile	84.00
UN-L IS Telecommunications	Uti	11.12
US Bank CPS	Lodging	176.96
Brandy VanDeWalle	Meals, Mile	44.87
Terri Volkmer	Ser, Mile	657.50
Weaver Pharmacy	Sup	37.80
Anthony Whitmore	Uni, Misc	135.00
Windstream	Uti	176.38
York County Sheriff	Boarding Prisoner, Ser	281.00
Payroll	Salaries	76,609.21

**ROAD/BRIDGE FUND:**

All Roads Barricade, Inc.	Parts	132.62
Ameritas Life Insurance Corp.	Ret	3,233.40
Auto Value Parts Stores	Parts, Sup	499.22
B's Enterprises	Grader Blades	12,012.00
Black Hills Energy	Uti	882.98
Century Lumber Center	Sup	121.83
City of Geneva	Uti	66.60
Dorchester Farmers Coop	Fuel	143.42
Farm Plan	Parts, Sup	970.78
Fastenal Company	Sup	136.16
Fillmore County Hospital	Ser	52.00
Filter Care of Nebraska	Parts	170.80
The Garbage Company	Ser	84.27
Geneva Implement Co., Inc.	Parts	178.82
Geneva State Bank	SS	3,467.05
Geneva Welding & Supply, Inc.	Parts, Sup	125.25
Grafton Oil	Sup	5,716.70
Lichti Oil	Fuel, Parts	11,611.90
Madison National Life	Insur	87.99
Michl Service	Fuel	69.28
Midwest Service & Sales	Sup	252.00

Midwest Steel Fabricators	Rep	29.60
Momar, Inc.	Sup	175.51
Nebraska Assoc. County Engineers & Supt.	Wksh	70.00
Nebraska Iowa Industrial Fasteners	Sup	93.69
The Nebraska Signal	Ads	45.17
Newman Traffic Signs	Signs	67.25
Nichols Construction	Gravel	74,614.42
Nick's Farm Store	Parts, Rep	82.39
Overland Ready Mixed	Gravel	329.83
Overland Sand & Gravel	Gravel	12,653.42
Perennial Public Power	Uti	159.57
Platte Valley Communications	Parts, Rep	235.00
Power Plan	Parts	411.70
Ralph's Geneva Tire & Service Center, Inc.	Sup, Rep	506.83
R & D Parts, LLC	Parts	81.64
Roit Repair	Rep	32.00
Shell Fleet Plus	Fuel	1,932.93
US Bank CPS	Post	1.73
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	40.56
Village of Grafton	Uti	21.07
Village of Milligan	Uti	22.97
Payroll	Salaries	47,902.61

<b><u>Other Expenses</u></b>		
Ameritas Life Insurance Corp.	Ret	267.72
Dawg's Smokehouse Café	HDM's	143.00
Judy Dondlinger	Ser	168.00
Eakes Office Plus	Sup	124.71
Exeter Care Center	HDM's	295.00
Exeter Senior Center	USDA	153.33
Fairmont Aging Services	USDA	775.20
Geneva Senior Center	USDA, Rent	2,531.60
Geneva State Bank	SS	344.01
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	156.00
Jeannine Krejci	Ser	132.00
Madison National Life	Insur	9.00
Bette Mattox Manning	Ser, Wksh	288.00
Brenda Motis	Mile	92.00
Shell Fleet Plus	Fuel	38.34
US Bank CPS	Meals, Lodging	478.76
What's Happening	Ads	15.00
Payroll	Salaries	4,537.56

London Law Offices, P.C., L.L.O.	Ser	351.50
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UMB Bank, NA	Principal & Interest	41,240.00
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Fillmore County Hospital	March taxes	3,867.14
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Ameritas Life Insurance Corp.	Ret	169.56
Gaylord Craddock	Mile	51.00
Geneva State Bank	SS	218.20
Frances Heinrichs	Mile	51.00
Ron Isley	Mile	26.00
Lichti Oil	Fuel	221.75
Madison National Life	Insur	4.50
The Nebraska Signal	Ads	36.05
Leonard Oldehoeft	Mile	24.00
Payroll	Salaries	2,862.00

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

The Chairman declared the motion carried.

## CONTRACT WITH JEO

April 13, 2010

After discussion, Mueller moved and Yates seconded the motion to approve the contract with JEO Consulting Group, Inc. to do a partial update of the Comprehensive plan for the amount of \$13,848.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **MAY BOARD MEETING**

At the request of the County Clerk, Amy Nelson the Board agreed to move the May 11<sup>th</sup> Board meeting to May 10<sup>th</sup> due to Nebraska Primary Election.

#### **ADJOURN**

Agenda items "Juvenile Diversion Program, NIRMA Insurance, and Copiers" were tabled to a future Board meeting. As there was no other business to come before the Board, Yates moved and Cerny seconded the motion to adjourn until 9:00 a.m., April 16, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 16, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Kimbrough, Mueller, and Cerny. Simacek and Galusha absent and Yates was absent until 10:10 a.m. The County Clerk was present to record the minutes of the 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 11:00 a.m.

#### **EMERGENCY MANAGER APPLICANT**

Board members and Sheriff William Burgess interviewed the third applicant.

#### **EMERGENCY MANAGER POSITION**

After discussion, Yates moved and Kimbrough seconded the motion to offer the emergency manager position to the second applicant starting wage of \$32,000.00 and if that applicant does not accept the offer then offer it to the third applicant at the same wage. Upon roll call, the vote was as follows:

Ayes: Kimbrough and Yates

Nays: Cerny, Mueller, and Capek

The Chairman declared the motion failed.

#### **EMERGENCY MANAGER POSITION**

Cerny moved and Mueller seconded the motion to offer the emergency manger position to the third applicant starting wage of \$32,000.00 and if that applicant does not accept the offer then offer it to the second applicant at the same wage. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Capek, and Yates

Nays: Kimbrough

The Chairman declared the motion carried.

#### **ADJOURN**

As there were was no other business to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:10 a.m., April 27, 2010. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 27, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 11:44 a.m.

### MINUTES APPROVED

Chairman of the Board, Capek approved the minutes of the April 13, 2010 and the April 16, 2010 Board meetings.

### COURTHOUSE TOWER AND CLOCK PROJECT

Jerry Berggren with Berggren Architects presented a proposal to provide architectural expertise to start the bidding process for the repair of the Courthouse Tower and Clock project in the amount not to exceed \$6,000.00 and to construct dormers for the bidding process not to exceed \$2,500.00 for a total price of \$8,500.00.

After discussion, Yates moved and Cerny seconded the motion to have Berggren Architects start the architectural process for this project. 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.

### MOWING CEMETERY BIDS

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

<u>BIDDER</u>	<u>HORTON</u>	<u>ANTIOCH</u>	<u>FRANKLIN</u> <u>UNION</u>	<u>PLEASANT</u> <u>RIDGE</u>	<u>LUMP SUM</u> <u>FOR ALL</u>
Jack Yoder	\$485.00	\$180.00	\$365.00	\$610.00	\$1,640.00
R & R Services	\$235.00	\$150.00	\$235.00	\$425.00	\$1,000.00
Sutton Electric, Inc.	\$335.00	\$545.00	\$300.00	\$195.00	\$1,350.00

### MOWING CEMETERY LETTING

After discussion, Mueller moved and Simacek seconded the motion to accept lowest bid from R & R Services to mow all four cemeteries three times a year for a yearly fee of \$1,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### DRIVEWAY PERMITS

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

Mark Luttich – extend existing driveway to 40 ft. on the south side of the SW ¼, Section 28-8-2, Fairmont Township;  
Linus Kamler – extend existing driveway to 40 ft. and install a new 40 ft. driveway on the south side of the SW ¼, Section 13-6-4, Momence Township;  
Wayne Broman – install a new 40 ft. driveway on the east side of the NE ¼, Section 15-7-2, Madison Township;  
Kent Myers – replace an existing driveway to 40 ft. on the east side of the NE ¼, Section 16-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### OCCUPY COUNTY RIGHT OF WAY PERMIT

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

Roger Gergen – install natural gas line from the NE ¼, Section 36 to the SE ¼, Section 25-6-4, 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: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

**SET HEARING FOR LIBERTY TOWNSHIP**

Highway Superintendent, Elmer Hessheimer presented the traffic study to report the use of public road located on County Road 23 between County Road J and County Road K (between Section 22 and Section 23-7-1, Liberty Township).

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

**RESOLUTION 2010 - 15**

**WHEREAS**, the County Board directed the County Highway Superintendent, by resolution, to study the use being made of the public roads located on County Road 23 between County Road J and County Road K (between Section 22 and Section 23-7-1, Liberty Township).

**WHEREAS**, a written report was submitted by the County Highway Superintendent recommending to close and vacate the following:

A certain parcel of land described as follows: referring to the southeast corner marker of section Twenty-Two (22), Township Seven (7) North, Range One (1) West of the 6<sup>th</sup> Principal Meridian, Fillmore County, Nebraska; thence North, along the east line of Section Twenty-Two (22), Township Seven (7) North, Range One (1) West of the 6<sup>th</sup> P.M., a distance of approximately 2,112 feet to the point of beginning; thence West perpendicular, a distance of approximately 33 feet; thence north a distance of approximately 450 feet; thence east perpendicular a distance of approximately 66 feet; thence south perpendicular a distance of approximately 450 feet; thence west perpendicular a distance of approximately 33 feet to the point of beginning, containing approximately 0.68 acres.

The Fillmore County Highway Superintendent further recommends to vacate the portion of roadway listed above and the ownership of the vacated county road right-of-way be reverted to the adjacent landowners. He also recommends that the Lower Big Blue Natural Resources District be allowed to remove the roadway portion of the vacated right-of-way as borrow for their construction project.

**NOW THEREFORE** Be it Resolved by the Fillmore County Board of Supervisors that a hearing be set for 10:15 a.m., May 25, 2010 to hear testimony concerning the proposed abandonment of the tract listed above.

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.

**BLUE VALLEY COMMUNITY ACTION**

Richard Nation, Chief Executive Officer presented the annual report and budget request of \$4,127.00, which is an increase of \$120.00 for fiscal year 2010/2011. Action on the budget request will be taken during the budget process this summer. Lisa Epp, Representative in Fillmore County and Heather Lytle, Administrative Assistant with Blue Valley Community Action were present for this discussion.

**PUBLIC HEARING FOR ZONING REGULATION CHANGE**

Opened public hearing for the zoning regulation change in Lots 9 and 10, Block 11, 1<sup>st</sup> Addition to the Village of Shickley at 10:45 a.m. as advertised. The change requested is from residential to commercial for the above legal description.

**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	2,667.77
Jon Anderson	Uni, Meals	40.77
Apex Software	Sup	645.00
Aramark Uniform Services, Inc.	Ser	655.18
Blue Cross Blue Shield of Nebraska	Insur	18,238.44
Bottorf & Maser, Attorney	Ser, Mile	520.00

April 27, 2010

William L. Burgess	Uni	35.00
Buzz's Alignment	Main, Rep	167.14
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Clay County Sheriff's Dept.	Boarding Prisoner	585.00
Corner Stop	Fuel	185.02
Erdkamp Motors	Main	36.00
Fillmore County Development Corp.	Dues	35.00
Fillmore County Sheriff	Fees	821.01
Gambles	Sup	77.94
Geneva Broadband, LLC	Ser	99.98
Geneva State Bank	SS	2,787.24
Geneva Super Foods	Sup	443.68
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
Bob Hester	Uni	35.00
Holiday Inn	Lodging	138.00
Hometown Leasing	Ser	128.44
Barbara Jansen	Meals, Misc	12.89
JEO Consulting Group, Inc.	Ser	506.61
Steve Julich	Uni	35.00
Law Enforcement Coordination Unit	Wksh	95.00
Madison National Life	Insur	24.03
Ann McDonald	Ret	18.00
MIPS, Inc.	Sup	311.02
Rich Mueller / Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	955.03
Norrie Construction	Rep, Sup	958.70
O'Keefe Elevator Company, Inc.	Main	370.89
Dawn Opfer	Sup	8.46
Region V Systems	Ser	660.00
Steven G. Roemmich	Uni	35.00
Shell Fleet Plus	Fuel	2,304.54
Spencer Fane Britt & Browne, LLC	Ser	69.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Sup	4.00
Regina Swartzendruber	Meals	6.89
Total Funds by Hasler	Post	700.00
US Bank CPS	Meals	22.23
Thomson West	Sup	158.00
Anthony Whitmore	Uni, Post	40.80
Eric Williams	Meals, Post	31.92
Williams Exterminating, Inc.	Ser	110.00
Windstream	Ser	1,062.79
Payroll	Salaries	38,585.22

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,573.51
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Brothers Equipment, Inc.	Parts	76.04
Contech Construction Products	Sup	5,846.40
Erdkamp Motors	Parts	153.05
Farm Plan	Parts	451.28
Gambles	Sup, Misc	91.43
Geneva State Bank	SS	1,743.77
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	73.52
Hein Construction Co.	Ser	300.00
Donovan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Rep	12.00
Lichti Oil	Fuel	19,003.00
NMC Exchange, LLC	Parts	1,053.82
Nebraska Public Power	Uti	327.60
Office Depot Credit Plan	Sup	51.92
Perennial Public Power	Uti	118.69
Shell Fleet Plus	Fuel	9.15
Speece Lewis Engineers	Ser	9,493.95
Westover Rock & Sand, Inc.	Gravel	37,031.06
Windstream	Uti	155.52
Payroll	Salaries	24,084.94

**ECONOMIC DEVELOPMENT –TOURISM FUND:**

Discover Geneva – Patriotism	Misc	250.00
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**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	March Patient care	93.00
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**SENIOR SERVICES FUND:**

		April 27, 2010
Ameritas Life Insurance Corp.	Ret	133.86
Janet Bartak	Mile	150.00
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Fillmore County Transit	Mile	55.00
Geneva State Bank	SS	170.05
Protex Central Inc.	Sup	26.48
Shell Fleet Plus	Fuel	20.92
US Bank CPS	Sup	940.77
Windstream	Uti	154.87
Payroll	Salaries	2,243.23
<b><u>COURTHOUSE BOND FUND:</u></b>		
UMB Bank, NA	Interest	11,426.25
<b><u>ROAD BOND FUND:</u></b>		
UMB Bank, NA	Interest	7,766.25
<b><u>NOXIOUS WEED FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	76.68
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
<b><u>E911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	154.68
Valcom Wireless Construction, Inc.	Rep, Sup	1,080.54
Weaver Repair, Inc.	Sup	111.04
Windstream	Uti	1,009.35

### CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

### NIRMA INSURANCE

After research and discussion, Mueller moved and Simacek seconded the motion to have the Courthouse insured with replacement cost rather than reproduction cost with Nebraska Intergovernmental Risk Management Association (NIRMA) beginning July 1, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### ZONING CHANGE HEARING

As no one appeared to testify for or against the zoning regulation change, the hearing was closed at 10:53 a.m.

Kimbrough moved and Yates seconded the motion to approve the zoning regulation change from residential to commercial Lots 9 and 10, Block 11, First Addition to the Village of Shickley and to amend the comprehensive plan. 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.

### CONTRACT WITH JEO

Yates moved and Mueller seconded the motion to approve the contract with JEO Consulting Group, Inc. to update to the zoning maps of the Comprehensive plan for the amount of \$4,500.00. 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.

### AUDIT AGREEMENT



April 27, 2010

After discussion, Cerny moved and Kimbrough seconded the motion to approve and sign the agreement with Contryman Associates, P.C. to prepare the audit for fiscal years 2010 for the amount of \$9,000.00, 2011 for the amount of \$9,700.00, and 2012 for the amount of \$10,500.00. 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.

### **PUBLIC HEARING FOR HOUSING APPLICATION**

Opened public hearing for the application to the Department of Economic Development (DED) for an Affordable Housing Program (AHP) Grant at 11:00 a.m. as advertised. Attending were Dave Taladay with Southeast Nebraska Development District (SEND), Patt Lentfer, Dick Schoenholz, Linda Carroll, Christina Lovegrove and Richard Walters. As there was no testimony for or against this application the hearing was closed at 11:14 a.m.

### **AFFORDABLE HOUSING PROGRAM DOCUMENTS**

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

#### **RESOLUTION 2010 - 14**

**WHEREAS**, the County of Fillmore County, Nebraska, is an eligible unit of a general government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant (CDBG) Program, and Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program (NAHP).

**WHEREAS**, the County of Fillmore County, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$331,900.00 in NAHP funds to implement (with the Fillmore County Development Corporation, Inc.) a down-payment assistance program (with minor rehabilitation) for homebuyers in the communities and the rural county area of Fillmore County; and

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Supervisors of Fillmore County, Nebraska that the Chairman be authorized and directed to proceed with the formulation of any and all contracts, documents, or other memoranda between the County of Fillmore County, Nebraska and the Nebraska Department of Economic Development so as to affect acceptance of the grant application.

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.

### **BUDGET AGREEMENT**

After discussion, Yates moved and Simacek seconded the motion to approve and sign the agreement with Contryman Associates, P.C. to assist in the budget process for fiscal year 2010/2011 in the amount of \$5,000.00 to \$7,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **O'MALLEY GRAIN**

Stacia Palser with Koley Jessen P.C., L.L.O informed the Board, County Attorney Jill Cunningham, and Deputy County Attorney Howard Ach by conference call that O'Malley Grain will be selling to The Anderson, Inc. on April 30, 2010. Stacia requested that the Board sign a Sublease agreement due to the fact that the Industrial Development Revenue Bonds cannot be redeemed in full prior to June 1, 2010. She also requested that the Board sign a Quitclaim Deed and a General Bill of Sale and Assignment to be held in escrow until the bonds are paid off in full.

After discussion, Cerny moved and Kimbrough seconded the motion to approve and sign the Sublease agreement, Quitclaim Deed and General Bill of Sale and Assignment. 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.

### **ADJOURN**

April 27, 2010

Agenda item “Copiers, fax machines and printers” were tabled to a future Board meeting. As there was no other business to come before the Board, Cerny moved and Galusha seconded the motion to adjourn until 9:10 a.m., May 10, 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.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:13 a.m., May 10, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 11:46 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the April 27, 2010 Board meeting.

#### **WASHINGTON UPDATE**

Jessica Whalen, Community Liaison for Congressman Adrian Smith gave the Board an update on what is happening in Washington.

#### **FEE REPORTS**

Simacek moved and Kimbrough seconded the motion to approve the fee reports for April 2010:

**County Clerk:** \$8,594.50 (State \$5,143.40 & County \$3,450.90)

**Sheriff:** \$2,993.22

**Clerk of the District Court:** \$1,911.84

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**

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

Keith Broman – install a new 75 ft. driveway with a 15 inch culvert on the east side of the SE ¼, Section 18-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, and Simacek

Nays: Cerny, Mueller, Yates, and Kimbrough

The Chairman declared the motion failed.

#### **DRIVEWAY PERMIT**

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

Keith Broman – install a new 40 ft. driveway with a 15 inch culvert on the east side of the SE ¼, Section 18-6-2, Chelsea Township.

Upon roll call, the vote was follows:

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

Nays: Simacek

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

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

Kent Myers – install a new 40 ft. driveway and replace a 52 ft. driveway on the NE ¼, Section 20-6-2, Chelsea 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.

## **DRIVEWAY PERMITS**

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

Paul Bettger – replace existing driveway on the west side of the SW ¼, Section 21-8-2, Fairmont Township;  
Ken Krejci – install a new 40 ft. driveway on the south side of the SW ¼, Section 18-8-2, 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 PERMIT**

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

Windstream – bury communications cable between Section 25 and 36-7-1, Liberty Township.  
Windstream 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: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

## **FOUR DAY WORK WEEK**

After discussion, Mueller moved and Yates seconded the motion to approve a four day work week starting June 7<sup>th</sup> and ending September 3<sup>rd</sup>. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

## **PIVOTS SPRAYING ON COUNTY ROADS**

After discussion, the Board directed the County Clerk to put an ad in the Nebraska Signal the first of May, June, July, and August regarding pivots spraying on County Roadways.

## **COURTHOUSE PARKING LOT**

After discussion, the Board approved the Courthouse parking lot paving project to be let on June 8, 2010.

## **CISDA ANNUAL REPORT**

Chandra Merkel, Executive Director of Coordinated Intervention Systems for Domestic Abuse (CISDA) presented the annual report and budget request to the Board. Budget request is \$1,500.00 for fiscal year 2010/2011, which is an increase of \$750.00 from last year's request. Action on the budget request will be taken during the budget process this summer.

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

Tara Stevenson, Regional Service Representative with Blue Cross Blue Shield of Nebraska introduced herself to the Board and informed them that there is a new Mental Health piece being added to our policy effective July 1, 2010.

## **FISH & WILDLIFE FUNDS**

Barbara Trapp, County Treasurer informed the Board that the County received \$16,969.00 from the Nebraska Fish & Wildlife. After discussion, the Board directed the County Treasurer to disburse the funds as she did last year 40% to Roads, 10% to the Schools, and 50% to the townships that have land for fish and wildlife.

## **DEFICIT APPROPRIATION**

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

### **RESOLUTION NO. 2010 - 16**

**WHEREAS**, all of the funds in the 2009-2010 budget for the Waste Oil have been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in these budgets to meet all obligations for the 2009-2010 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 \$150.00 be appropriated to the Waste Oil budget from the unused funds in the Miscellaneous account of the General Fund Budget for 2009-2010 of said county.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

### 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, Wksh	3,562.43
Ameritas Life Insurance Corp.	Ret	2,774.89
Andrews Electric Co., Inc.	Sup	32.00
B & J Automotive	Rep	96.70
Black Hills Energy	Uti	310.41
Bottorf & Maser, Attorney	Ser, Mile	107.50
Century Lumber Center	Sup	9.94
Chase County Sheriff's Office	Ser	18.50
City of Geneva	Uti	197.90
Constellation Energy	Uti	42.24
Continental Research Corp.	Sup	183.00
Dell Marketing, L.P.	Sup	209.98
Eakes Office Plus	Sup	1,841.98
Earls Window Service	Ser	5.00
Election Systems & Software, Inc.	Sup	4,959.77
Evercom Systems, Inc.	Sup	150.00
Executive Copier Services	Ser	88.97
Fillmore County Clerk of District Court	Fees	404.00
Fillmore County Hospital	Ser	34.50
Fillmore County Treasurer	Transfer, Post, Sup	495,616.40
First Concord Benefits Group, LLC	Ser, Deductible	2,326.38
The Garbage Co., Inc.	Ser	172.96
Geneva Broadband, LLC	Ser	99.98
Geneva State Bank	Ser, SS	2,974.03
Geneva Super Foods	Sup	502.52
Geneva Welding & Supply, Inc.	Sup	29.03
Hometown Leasing	Ser	246.12
Jefferson County Sheriff	Ser	19.00
Kustom Signals, Inc.	Rep	226.00
Lancaster County Sheriff	Ser	26.12
Lichti Oil	Fuel	163.40
Madison National Life	Insur	152.88
Microfilm Imaging Systems, Inc.	Ser	64.00
MIPS, Inc.	Ser	2,524.01
Murphy Plumbing & Heating, Inc.	Rep	126.00
The Nebraska Signal	Pro, Ads	1,441.81
Nick's Farm Store Co.	Parts	15.88
OMB's Express Police Supply	Sup	5.99
Paper Tiger Shredding	Ser	187.50
Patrice's Specialties, LLC	Rep	90.00
Lyndsey Pohlmeier	Mile, Fuel	95.50
Priority Printing	Sup	62.08
Ralph's Geneva Tire and Service Center	Rep, Main	770.02
Ramada Inn	Lodging	268.00
Seiler & Parker, PC	Ser, Mile	671.22
Sleuth Software	Software	5,977.00
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	84.00
University of Nebraska – Lincoln	Salary	4,142.25
UN-L IS-Telecommunications	Uti	21.50
US Bank CPS	Misc	184.91
Brandy VanDeWalle	Mile	41.00
Verizon Wireless	Uti	492.69
Terri Volkmer	Ser	657.50

Windstream	Uti	May 10, 2010
Payroll	Salaries	231.11
		40,197.30
<b><u>ROAD/BRIDGE FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	1,596.57
Andrews Electric Co., Inc.	Ser, Rep	347.50
Auto Value Parts Stores	Parts, Sup	311.85
Black Hills Energy	Uti	217.24
Brothers Equipment Inc.	Parts	66.31
Casey's General Store	Fuel	91.43
Century Lumber Center	Sup	478.10
City of Geneva	Uti	60.20
Corner Stop	Fuel	1,955.15
Fehlhafer's Inc.	Parts	30.00
Filter Care of Nebraska	Parts	106.35
Flo-Rite	Fence	2,926.65
Friesen Chevrolet, Inc.	Parts	60.36
The Garbage Company	Ser	84.27
Geneva Implement	Parts	306.86
Geneva State Bank	SS	1,752.23
Geneva Welding & Supply, Inc.	Parts, Sup	470.84
Grafton Oil, Inc.	Sup	2,730.32
Heath, Inc.	Rep	80.00
Horizontal Boring & Tunneling Co.	Ser	3,225.00
Jill's Sweet Shop	Misc.	18.00
Kerry's Auto Repair & Service	Rep	12.00
Lichti Oil	Fuel, Parts	6,107.28
Madison National Life	Insur	87.99
Midwest Steel Fabricators	Parts	19.95
Nebraska Iowa Industrial Fasteners	Sup	153.27
The Nebraska Signal	Ads	23.41
Newman Traffic Signs	Signs	1,246.15
Nichols Construction	Gravel	98,474.14
Nick's Farm Store	Rep	71.93
Overland Ready Mixed	Gravel, Concrete	1,631.21
Perennial Public Power	Uti	40.59
Power Plan	Parts	64.00
Ralph's Geneva Tire & Service Center	Sup, Rep	1,090.70
R & D Parts DBA Geneva Carquest	Parts, Rep	22.79
Roit Repair	Rep	90.73
Safelite Fulfillment, Inc.	Parts	194.90
Shell Fleet Plus	Fuel	964.68
Speece Lewis Engineers	Ser	6,074.22
Superior Deshler, Inc.	Fuel	122.31
US Bank CPS	Post	33.76
Verizon Wireless	Ser	79.85
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	18.90
Village of Grafton	Uti	21.07
Village of Ohioa	Uti	20.00
Yant Equipment Co., Inc.	Equip	29,922.48
Payroll	Salaries	24,195.76
<b><u>ECONOMIC DEVELOPMENT – TOURISM:</u></b>		
Patt Lenfter	Mile	76.50
<b><u>SENIOR SERVICES FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	136.50
Judy Dondlinger	Ser	156.00
Exeter Care Center	HDM's	275.00
Geneva State Bank	SS	170.41
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	132.00
Jeannine Krejci	Ser	144.00
Madison National Life	Insur	9.00
Elizabeth Mattox Manning	Ser	156.00
Brenda Motis	Mile	67.00
The Nebraska Signal	Ads	41.40
US Bank CPS	Sup	9.00
Payroll	Salaries	2,247.88
<b><u>INHERITANCE TAX FUND:</u></b>		
Fillmore County Treasurer	Transfer	5,100.00
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	April Taxes	28,577.44
<b><u>NOXIOUS WEED FUND:</u></b>		

Action Auto Supply	Sup	22.04
Ameritas Life Insurance Corp.	Ret	78.12
Brothers Equipment	Sup	204.76
Century Lumber Center	Sup	4.60
City of Geneva	Uti	8.90
Geneva State Bank	SS	88.16
Geneva Welding & Supply, Inc.	Equip, Sup	3,519.00
Grafton Mini Mart	Fuel	50.00
Lichti Oil	Fuel	176.90
Madison National Life	Insur	4.50
Midwest Service & Sales	Sup	177.33
The Nebraska Signal	Ads	198.20
Paper Tiger Shredding	Ser	6.90
Ralphs Geneva Tire & Service, Inc.	Tires	180.20
Roit Repair	Equip	849.00
Verizon Wireless	Uti	39.85
Warne Chemical & Equipment Co.	Equip	321.50
Payroll	Salaries	1,157.30

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

The Chairman declared the motion carried.

The 1<sup>st</sup> Probation District submitted the annual budget request for fiscal year 2010/2011 of \$3,014.30, which is an increase of \$140.20 from fiscal year 2009/2010. Action on the budget request will be taken during the budget process this summer.

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

On July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA.

On the 20<sup>th</sup> anniversary of the American with Disabilities Act, we Fillmore County celebrate and recognize the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.

**NOW THEREFORE**, the Fillmore County Board of Supervisors do hereby reaffirm our commitment to work toward full ADA compliance in Fillmore County.

Upon roll call, the vote as follows:

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

The Chairman declared the resolution adopted.

Jill Cunningham, County Attorney and Howard Ach, Deputy County Attorney informed the Board that they will be sending referrals to Adams County juvenile diversion program since there is no cost to the County. Further information will be presented to the Board at a later date.

After discussion, Yates moved and Mueller seconded the motion to allow the County Clerk to sign the copier lease agreement with Eakes Office Plus for a five year period for a total of \$24,540.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

As there was no other business to come before the Board, Kimbrough moved and Simacek seconded the motion to adjourn until 9:00 a.m., May 25, 2010. 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 9:15 a.m., May 25, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Simacek, Galusha, and Cerny. Yates, Kimbrough, and Mueller were absent. The County Clerk was present to record the minutes of the meeting. Merle Noel was a visitor to 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 12:00 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the May 10, 2010 Board meeting.

#### **911 RECORDER**

William Burgess, County Sheriff informed the Board that the 911 recorder's hard drive had failed and it would cost \$2,500.00 to replace. It was decided to replace the hard drive now and look into replacing next fiscal year with grant funds.

#### **PICKUP FOR SHERIFF'S DEPARTMENT**

After discussion, Cerny moved and Galusha seconded the motion to approve the purchase of a 2010 Chevrolet pickup for the Sheriff's office for fiscal year 2010/2011 in the amount of \$25,000.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

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

Keith Broman – install a new 75 ft. driveway with a 15 inch culvert on the east side of the SE ¼, Section 18-6-2, Chelsea Township. Keith was present for the discussion; he informed the Board that he would crown the driveway so that the drainage would flow into the ditches.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

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

Elizabeth Karabatsos Trust – replace an existing driveway with a 40 ft. driveway on the north side of the NE ¼, Section 12-7-3, Geneva Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT OF WAY PERMIT**

Simacek moved and Cerny seconded the motion to approve the following application for an occupy county right of way permit:

Rolland Anderson – bury natural gas line between the SE ¼, Section 19 and the SW ¼, Section 20-5-4, Bryant 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: Galusha, Capek, Simacek, and Cerny  
Nays: None

The Chairman declared the motion carried.

## **WEST BLUE TOWNSHIP**

John Lowe and Bill Softely with West Blue Township were present to request that the County take over the roads in the West Blue Township.

After discussion, Galusha moved and Cerny seconded the motion to approve the interlocal agreement with West Blue Township to maintain their roads effective June 1, 2010 and ending June 30, 2011. Upon roll call, the vote was as follows:

Ayes: Galusha, Capek, and Cerny

Nays: None

Abstaining due to conflict of interest: Simacek

The Chairman declared the motion carried.

## **GENEVA TOWNSHIP AGREEMENT**

After discussion, Cerny moved and Galusha seconded the motion to approve the interlocal agreement with Geneva Township to maintain their roads beginning July 1, 2010 and ending June 30, 2010. Larry Biester was present for the discussion. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, and Galusha

Nays: None

Abstaining due to conflict of interest: Simacek

The Chairman declared the motion carried.

## **PUBLIC HEARING FOR FAIRMONT TOWNSHIP**

Opened public hearing at 9:53 a.m. regarding the proposed project between Sections 28-33 and Sections 27-28, Fairmont Township. Highway Superintendent, Elmer Hessheimer informed all present why the Board is proposing this project and that they have three different solutions for the structure between Section 28-33 and a proposed structure between Sections 27-28, Fairmont Township.

Ken Krejci, Lowell Stephenson, Howard Lefler, Jim Stephenson, Joseph Wilkins, Don Bristol, Mick Goc, Christin Lovegrove, Brandon Lovegrove, and Bob Lovegrove were present for the discussion. The hearing was closed at 10:30 a.m. after hearing all public comment. Board will take all comments into consideration and vote at a later Board meeting.

## **PUBLIC HEARING FOR LIBERTY TOWNSHIP**

Opened public hearing at 10:32 a.m. regarding the possibility of vacating a portion of the road between Sections 22 and 23, Liberty Township.

Galen Kuska, Roger Brandt, and Scott Sovotka with Lower Big Blue NRD were present for the discussion. The hearing was closed at 10:51 a.m. after hearing all public comment. The Board will take action at a future Board meeting.

## **USDA APHIS WILDLIFE SERVICES**

Spencer Nelson, Wildlife Specialists for the USDA presented the annual report and budget request to the Board. Budget request is \$7,637.00 for fiscal year 2010-2011, which is \$150.00 increase from 2009/2010 request. Budget request will be discussed during the budget process later this summer.

## **SALARY COMMITTEE**

Chairman, Ray Capek appointed Jerry Galusha, Robert Mueller, and Steve Yates to the 2010/2011 salary committee.

## **GUTHRIE 1<sup>ST</sup> SUBDIVISION**

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Guthrie 1<sup>st</sup> Subdivision, located in the SW ¼, Section 10-8-1, Exeter Township.

Simacek moved and Cerny seconded the motion to approve the plat for the Guthrie 1<sup>st</sup> Subdivision as follows:

A tract of land comprising a part of the SW ¼ of Section 10, Township 8 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, described as follows: commencing at the SW corner of said SW ¼, and assuming the south line of said SW ¼ to have a bearing of S87°48'00"W; thence N87°48'00"E, and on the south line of said SW ¼, 1033.66 feet to the point of beginning, said point being a 5/8" rebar w/cap; thence N00°54'14"W, 821.59 feet to a 5/8" rebar w/cap; thence N88°14'24"E, 444.01 feet to the 5/8" rebar w/cap; thence S00°52'18"E, 818.19 feet to a 5/8" rebar w/cap on the south line of said SW ¼; thence S87°48'00"W, and on the south line of said SW ¼, 443.61 feet to the point of beginning and containing 8.35 acres more or less of which 0.34 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, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

### COUNTY SERVER

Amy Nelson, County Clerk informed the Board that the server that runs the Courthouse is starting to show signs of failure. After discussion, the Board agreed to purchase a new server from Dell in the amount of \$5,404.51 and have MIPS install it.

### VACATION POLICY

After discussion, Cerny moved and Galusha seconded the motion to change the vacation policy to allow employees to take their vacation time in one (1) hour increments instead of four (4) hour increments, this change will take effect on June 1, 2010. Upon roll call, the vote was as follows:

Ayes: Simacek, Cerny, 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:

Ameritas Life Insurance Corp.	Ret	2,699.56
Aramark Uniform Services, Inc.	Ser	541.42
Auto Value Parts Stores	Rep	6.09
Blue Cross Blue Shield of Nebraska	Insur	17,685.76
Mary Brinkman	Sup	6.44
Chaney Chemical, Inc.	Sup	432.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Douglas County Court	Ser	1.50
Douglas County Sheriff	Ser	19.06
Eakes Office Plus, Inc.	Ser	855.98
Election Workers & Set up	Primary	5,853.23
Fillmore County Hospital	Ser	25.00
First Concord Group, Inc.	Insur	3,345.90
Gambles	Sup	90.36
Geneva State Bank	SS	2,832.26
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
JEO Consulting Group, Inc.	Ser	2,309.85
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Misc, Wksh	3,138.69
Stephen J. Kraviec	Ser, Post	1,709.17
Galen Kuska	Mile	73.00
Lease Consultants Corp.	Ser	249.00
Madison National Life	Insur	10.68
Terry Marshall	Insur	1,000.00
Ann H. McDonald	Ret	18.00
Rich Mueller/Thomas Biegert	Rent	650.00
Murphy Plumbing & Heating, Inc.	Rep	299.00
NACO Planning & Zoning	Wksh	30.00
National Assoc. County Agricultural Agents	Lodging	247.48
Nebraska Association of County Officials	Wksh	60.00
NE Floodplain & Stormwater Managers	Wksh	40.00
Nebraska Public Power District	Uti	1,039.17
Galen Niederklein	Mile	66.00
OMB's Express Supply	Sup	215.98
Region V Systems	EPC	770.00
Shell Fleet Plus	Fuel	2,205.32
State of Nebraska AS Central Services	Ser	48.25
US Bank CPS	Sup, Meal	82.64
Brandy VanDeWalle	Wksh	250.00
Verizon Wireless	Uti	573.63
Village of Grafton	Election	55.00
Windstream	Uti	1,081.79
Lynn Yates	Mile	12.00
Payroll	Salaries	39,173.47

#### ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp	Ret	1,608.77
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Contech Construction Products	Culverts	11,736.45
Dorchester Farmers Coop	Fuel	331.95
Farm Plan	Parts, Rep	93.27

		May 25, 2010
Gambles	Misc.	17.57
Geneva State Bank	SS	1,767.63
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	79.76
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel	3,412.54
NMC Exchange, LLC	Parts, Rep, Sup	5,941.34
Nebraska Bolt	Sup	29.29
Nebraska Public Power District	Uti	245.84
Perennial Public Power	Uti	61.21
US Bank CPS	Post	13.56
Van Kirk Bros. Contracting	Project	67,141.39
Verizon Wireless	Uti	116.93
Weaver Repair, Inc.	Parts, Rep	239.12
Windstream	Uti	152.25
Payroll	Salaries	24,396.91

**INSTITUTIONS FUND:**

State of Nebraska Health & Human Serv.	April 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
The CIMA Companies, Inc.	Insur	451.06
Judy Dondlinger	Ser	72.00
Exeter Senior Center	USDA	338.35
Fairmont Aging Services	USDA	2,129.05
Geneva Senior Center	USDA, Rent, Misc.	3,711.22
Geneva State Bank	SS	160.81
Shell Fleet Plus	Fuel	53.59
Windstream	Uti	153.37
Payroll	Salaries	2,122.46

**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	76.68
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	86.53
Verizon Wireless	Uti	39.87
Payroll	Salaries	1,136.00

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	122.99
Windstream	Uti	1,007.86

**CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

**ADJOURN**

Agenda items "Road damage from center pivot irrigation, MIPS road management software, Child Support contract, and Addendum #2 to Child Support Enforcement agreement" were tabled to a future Board meeting. As there was no other business to come before the Board, Galusha moved and Cerny seconded the motion to adjourn until 9:10 a.m., June 8, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., June 8, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 12:08 p.m.

**MINUTES APPROVED WITH CORRECTION**

After discussion, Yates moved and Cerny seconded the motion to approve the minutes with the following correction: will replace the hard drive in the 911 recorder and look into replacing the entire 911 recorder next fiscal year. 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 MANAGEMENT DIRECTOR**

Donna Mainwaring was introduced as the new Emergency Management Director, she started on June 1<sup>st</sup>. She requested from the Board to distribute extra radios to the fire departments and rescue personal.

**OCCUPY COUNTY RIGHT OF WAY PERMITS**

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

- Windstream Nebraska, Inc. – bury communications cable between Section 14 and 15-7-2, Madison Township. Windstream 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. – bury communications cable between Section 7 and 8-8-1, Exeter Township. Windstream 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, and Simacek  
Nays: None                                      Absent: Kimbrough

The Chairman declared the motion carried.

**COURTHOUSE PARKING LOT BIDS**

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

<u>Bidder:</u>	<u>Lump Sum</u>	<u>Sealing Option #</u>
Ackland Construction, Inc., Geneva	\$42,930.00	#1
Stephens & Smith Construction, Inc., Lincoln	\$57,386.00	#1
Biegert Construction Co., Geneva	\$67,400.00	#1

**COURTHOUSE PARKING LOT BIDS**

Mueller moved and Yates seconded the motion to accept all bids for replacing the courthouse parking lot and have Elmer review them and bring back to the Board at the June 22, 2010 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.

**WEST SIDE ENTRANCE**

Steve Pederson with Pedersen Restoration, Inc. presented a proposal to the Board to work on the west entry steps, east newel posts, and west entrance to the sheriff's office for an estimated \$2,600.00.

After discussion, Yates moved and Kimbrough seconded motion to approve the proposal for the work on the west entry steps, east newel posts, and west entrance to the sheriff'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.

**FEE REPORTS**

Simacek moved and Mueller seconded the motion to approve the fee reports for the month of May:

**County Clerk:** \$4,214.11 (State \$2,101.81 & County \$2,112.30)  
**County Sheriff:** \$1,649.52  
**Clerk of the District Court:** 1,148.05

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**HOSPITAL UPDATE**

Paul Utemark, Administrator of the Fillmore County Hospital informed the Board that the Hospital Board has decided to apply for the USDA funding by July 15<sup>th</sup> for the possibility of building a new hospital. At this point it is the Hospital Board's intention to take the possibility of building a new hospital to the vote of Fillmore County residents.

**COUNTY ATTORNEY CONFLICT OF INTEREST**

Howard Ach, Deputy County Attorney requested that Dan Werner be appointed as acting County Attorney with inheritance tax conflicts of interest.

After discussion, Yates moved and Mueller seconded the motion to appoint Dan Werner as acting County Attorney when there is a conflict of interest regarding inheritance tax. 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.

**COUNTY ATTORNEY**

Howard Ach, Deputy County Attorney requested to purchase a new computer for the County Attorney. After discussion the Board approved the purchase as long as the budget would not go over.

Board denied the mileage claim that was submitted by the Deputy County Attorney as the county cars were available.

**PUBLIC DEFENDER CONTRACT**

Brad Kalkwarf presented a new two year public defender contract beginning July 1, 2010 and ending June 30, 2012 in the amount of \$33,000.00 a year, which is a \$1,800.00 increase from the previous contract. This contract also includes a \$250.00 increase for continuing education.

After discussion, Kimbrough moved and Simacek seconded the motion to approve the two year contract with Kalkwarf and Smith Law office beginning July 1, 2010 and ending June 30, 2012. 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 Ach	Meals, Rent, Post, Misc	3,405.52
Ameritas Life Insurance Corp.	Ret	2,726.08
Jon Anderson	Uni, Post, Meals	47.77
The Arsenal Group, Inc.	Sup	108.80
Black Hills Energy	Uti	67.95
William L. Burgess	Uni	35.00
C & C Extinguisher Service	Ser	87.50
Daryl L. Callenius	Uni, Meals	80.87
City of Geneva	Uti	439.10
Constellation Energy	Uti	13.87
Corner Stop	Fuel	328.44
Earls Window Service	Ser	5.00

		June 8, 2010
Election Systems & Software, Inc.	Ser	1,485.33
Evercom Systems, Inc.	Sup	150.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Medical Center, P.C.	Ser	13.38
Fillmore County Treasurer	Transfers, Sup	235,822.72
First Concord Benefits Group, LLC	Ser	38.00
The Garbage Co., Inc.	Ser	172.96
Geneva State Bank	SS	2,880.19
GIS Workshop	Ser	12,000.00
Bob Hester	Uni	35.00
Hometown Leasing	Ser	910.99
Steve Julich	Uni, Fuel	55.00
Kerry's Auto Repair & Service	Main	41.35
Knoche Appraisal & Consulting, LLC	Ser, Mile	595.00
Lancaster County Court	Ser	3.75
Madison National Life	Insur	152.88
MIPS, Inc.	Ser	2,524.01
Nebraska Association of County Officials	Wksh	80.00
Nebraska County Attorneys Assoc.	Wksh	857.00
The Nebraska Signal	Ads, Proc.	643.29
Nebraska Supreme Court	Sup	350.00
Norrie Construction	Rep, Equip	644.58
O'Keefe Elevator Company, Inc.	Main	228.32
Omaha World Herald	Sup	205.40
Dawn Opfer	Meals, Fuel, Sup	47.11
Lyndsey Pohlmeier	Wksh, Mile	35.00
Ralph's Geneva Tire & Service Center	Rep, Main	168.22
Steven G. Roemmich	Uni, Meals	55.16
Safelite Fulfillment, Inc.	Rep	202.90
Saline County Sheriff	Ser	76.00
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Crime Commission	Sup	22.50
State of Nebraska Public Health Envir. Lab	Ser	84.00
Text & Data Technologies Inc.	Ser	1,000.00
Total Funds by Hasler	Post	1,900.00
US Bank CPS	Equip	168.00
Watchguard Video	Equip	5,020.00
Weaver Pharmacy	Sup	43.84
Anthony Whitmore	Uni, Post	44.37
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	233.02
Wingate by Wyndham	Lodging	419.70
Payroll	Salaries	40,046.03

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,608.77
Andrews Electric Co., Inc.	Rep	2,656.60
Auto Value Parts Stores	Parts, Sup	264.75
B's Enterprises	Sup	1,060.00
Baum Hydraulics	Parts	17.01
Black Hills Energy	Uti	139.95
Blackburn Mfg. Co.	Sup	344.44
Casey's General Store	Fuel	111.11
Century Lumber Center	Sup	173.24
City of Geneva	Uti	60.20
Corner Stop	Fuel	2,114.52
Cottonwood Title Company	ROW	400.00
D. P. Sawyer, Inc.	Ser	7,863.30
Filter Care of Nebraska	Parts	105.85
The Garbage Company	Ser	84.27
Geneva State Bank	SS	1,771.94
Geneva Welding & Supply, Inc.	Parts, Sup	506.59
Grafton Oil	Sup	49.98
Lichti Oil	Fuel	4,817.22
Madison National Life	Insur	87.99
Mike's Radiator & Tire	Rep	15.00
Momar, Inc.	Sup	175.71
Nebraska Iowa Industrial Fasteners	Sup	174.44
The Nebraska Signal	Ads	99.65
Newman Traffic Signs	Sup	654.17
Nichols Construction	Gravel	93,686.84
Orscheln	Parts	194.99
Perennial Public Power	Uti	38.26
Ralph's Geneva Tire	Rep, Sup	319.15
Donna Saltzman	Ser	55.00
Shell Fleet Plus	Fuel	433.81
Superior Deshler, Inc.	Fuel	55.98
Village of Grafton	Uti	21.07
Payroll	Salaries	24,410.49

Ameritas Life Insurance Corp.	Ret	133.86
Geneva State Bank	SS	171.47
Hometown Leasing	Ser	56.64
Susan Kerl	Ser	108.00
Madison National Life	Insur	9.00
US Bank CPS	Post	88.00
Payroll	Salaries	2,261.81

### INHERITANCE TAX FUND:

London Law Offices, P.C. LLO	Ser	259.00
Pedersen Restoration, Inc.	Rep	3,900.00

## COURTHOUSE BOND FUND:

UMB Bank N.A.	Ser	287.38
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**ROAD BOND FUND:**

UMB Bank N.A.	Ser	287.37
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**ETHANOL PLANT ROAD BOND FUND:**

UMB Bank N.A.	Ser	287.38
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**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	May taxes	12,486.84
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**NOXIOUS WEED FUND:**

Ace Agri Supply	Equip	278.75
Ameritas Life Insurance Corp.	Ret	76.68
Auto Value Parts Stores	Sup	74.47
Chaney Chemical, Inc.	Sup	15,723.00
City of Geneva	Uti	9.60
Dell Marketing, L.P.	Sup	104.99
Gambles of Geneva	Sup	21.63
Geneva State Bank	SS	174.74
Madison National Life	Insur	4.50
Ralph's Geneva Tire & Service Center, Inc.	Rep	16.50
Vegetation Management Supply, Inc.	Sup	672.00
Payroll	Salaries	2,289.01

## CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

## ODEGEO LEADERSHIP

Yates moved and Kimbrough seconded the motion to support two County employees to attend the Odegeo Leadership program starting in September 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## CARE MANAGEMENT CONTRACT

After discussion, Simacek moved and Kimbrough seconded motion to approve the contract with Lincoln Aging Partners beginning July 1, 2010 and ending June 30, 2011. 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.

## CHILD SUPPORT CONTRACT

After discussion, Yates moved and Cerny seconded the motion to approve the Child Support Contract with Stephen Kraviec beginning July 1, 2010 and ending June 30, 2011 in the amount of \$21,295.00 a year. Upon roll call, the vote was as follows:

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



The Chairman declared the motion carried.

**ADDENDUM #2 CHILD SUPPORT ENFORCEMENT AGREEMENT**

After discussion, Yates moved and Mueller seconded the motion to approve the addendum #2 for Cooperative Reimbursement Agreement for Child Support Services to change how they access their e-mail. 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.

**STEERING COMMITTEE FOR COMPREHENSIVE PLAN**

After discussion, Chairman Ray Capek appointed Robert Mueller, Larry Cerny, Patt Lentfer, Zoning Administrator, and the Planning Commission Board to the steering committee for the comprehensive plan.

**USDA WILDLIFE SERVICES CONTRACT**

After discussion, Cerny moved and Galusha seconded the motion to approve the USDA Wildlife Services contract in the amount of \$7,637.00 beginning July 1, 2010 and ending June 30, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

As there was no other business to come before the Board, Simacek moved and Mueller seconded the motion to adjourn until 9:10 a.m., June 22, 2010. 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 9:09 a.m., June 22, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. Yates was absent from 9:52 a.m. to 10:25 a.m. The County Clerk was present to record the minutes of the meeting. Patt Lentfer was present for several discussions.

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 4:09 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the June 8, 2010 Board meeting.

#### **CASA BUDGET REQUEST**

Cathy Wismer presented the annual report and budget request for Fillmore County Court Appointed Special Advocates (CASA). Budget request for fiscal year 2010/2011 is \$8,770.00 which is \$1,230.00 less than 2009/2010 fiscal year. Budget request will be taken into consideration during the budget process later this summer.

#### **ROGER GERGEN SUBDIVISION**

Geraldine Daniels, Planning and Zoning Administrator submitted a plat for the Roger Gergen Subdivision located in the SE ¼, Section 25-6-4, Momence Township.

After discussion, Kimbrough moved and Mueller seconded the motion to approve the Roger Gergen Subdivision as follows: a tract of land located in the SE ¼ SE ¼ of Section 25, T6N, R4W of the 6<sup>th</sup> P.M., Fillmore County, Nebraska, being more particularly described as follows: referring to the southeast corner of said SE ¼ SE ¼; thence N00°07'21"W (assumed bearing), 241.41 ft. on the east line of said SE ¼ SE ¼ to the point of beginning; thence S89°52'39"W, 296.00 ft., thence N00°07'21"W, 445.00 ft.; thence N89°52'39"E, 296.00 ft. to said east line; thence S00°07'21"E, 445.00 ft. on said east line to the point of beginning, containing 3.02 acres more or less, which includes 0.34 acres more or less, used for county road purposes.

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.

#### **LIBERTY TOWNSHIP BOND**

Yates moved and Mueller seconded the motion to approve the Liberty Township bond for Galen Kuska beginning April 3, 2010 and ending April 3, 2013. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **GRAFTON TOWNSHIP**

After discussion, Galusha moved and Kimbrough seconded the motion to appoint Mike Rath to the Grafton Township to replace Pauly Griess who resigned. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

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

Pat & Steve Kamler – widen existing driveway to 40 feet on the south side of the SE ¼ SE ¼, Section 25-6-4, Momence Township;

Brian Mumm – widen existing driveway to 40 feet on the west side of the SW ¼, Section 10-6-3, 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 PERMIT

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

U.S. Fish & Wildlife Service – construct a ditch plug consisting of 100 cubic yards of material in parts of the E ½ of Section 23-5-4, Bryan Township. U.S. Fish & Wildlife Service 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, and Simacek

Nays: Kimbrough and Yates

The Chairman declared the motion carried.

## VACATION OF A PORTION OF ROAD 23

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

### RESOLUTION 2010-18

**WHEREAS**, pursuant to Nebraska Revised Statute §39-1722, the County Board of Fillmore County, Nebraska, may, by resolution when it deems the public interest may require vacation or abandonment of a public road of the County, and may direct the County Highway Superintendent to study the use being made of such public road and to submit in writing to the County Board his recommendation as to the vacation or abandonment thereof; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, directed the above referenced study to be made and such study was made with regard to a section of public roadway between Section Twenty Two (22) and Section Twenty Three (23), Township Seven (7) North, Range One (1) West of the 6th P.M. in Fillmore County, Nebraska, and directed that the County Highway Superintendent submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation or abandonment thereof and directed that such report be retained in the office of the County Clerk of Fillmore County, Nebraska; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, pursuant to Nebraska Revised Statute §39-1724, has the authority to adopt a resolution fixing the time, date and place for a public hearing upon receipt of the above referenced study and publish such resolution once a week for three consecutive weeks in a legal newspaper published in the County and cause copies to be served by registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned by mailing the same to the last known address of each owner not less than two weeks in advance of the hearing; and

**WHEREAS**, the Board of Supervisors of Fillmore County, Nebraska, adopted the above referenced Resolution and complied with Nebraska Revised Statutes §39-1722 and §39-1724.

**WHEREAS**, Fillmore County has offered to relinquish the above referenced road to the Liberty Township by written notification to said Township on April 29, 2010 and that on May 3, 2010 conveyed to the Board its approval of such vacation of roadway.

**WHEREAS**, the Board of Supervisors of the County of Fillmore, have by a vote of two-thirds of more voted to vacate a certain portion of County Roadway described as follows: Referring to the Southeast corner marker of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, Fillmore County, Nebraska; thence North, along the East line of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, a distance of approximately 2,112 feet to the point of beginning; thence West, perpendicular, a distance of approximately 33 feet; thence North, perpendicular, a distance of approximately 450 feet; thence East, perpendicular, a distance of approximately 66 feet; thence South, perpendicular, a distance of approximately 450 feet; thence West, perpendicular, a distance of approximately 33 feet to the point of beginning, containing approximately 0.68 acres.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Fillmore County, Nebraska, upon a vote of at least two-thirds of all members, deems that the public interest and public good, require the abandonment of the above referenced roadway and

**BE IT FURTHER RESOLVED**, that the Fillmore County Board does hereby vacate a certain portion of County Roadway described as follows: Referring to the Southeast corner marker of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, Fillmore County, Nebraska; thence North, along the East line of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, a distance of approximately 2,112 feet to the point of beginning; thence West, perpendicular, a distance of approximately 33 feet; thence North, perpendicular, a distance of approximately 450 feet; thence East, perpendicular, a distance of approximately 66 feet; thence South, perpendicular, a distance of approximately 450 feet; thence West, perpendicular, a distance of approximately 33 feet to the point of beginning, containing approximately 0.68 acres is hereby awarded and does hereby revert to the following persons:

1. A certain parcel of land described as follows: Referring to the Southeast corner marker of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, Fillmore County, Nebraska; thence North, along the East line of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, a distance of approximately 2,112 feet to the point of beginning; thence

West, perpendicular, a distance of approximately 33 feet; thence North, a distance of approximately 450 feet; thence East, perpendicular, a distance of approximately 33 feet; thence South, along the East side of section twenty two (22), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian a distance of approximately 450 feet; to the point of beginning, containing approximately 0.34 acres located on the vacated roadway shall become the sole and separate property of Karen J. Sokolik.

2. A certain parcel of land described as follows: Referring to the Southwest corner marker of section twenty three (23), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, Fillmore County, Nebraska; thence North, along the West line of section twenty three (23), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian, a distance of approximately 2,112 feet to the point of beginning; thence East, perpendicular, a distance of approximately 33 feet; thence North, a distance of approximately 450 feet; thence West, perpendicular, a distance of approximately 33 feet; thence South, along the West side of section twenty three (23), Township Seven (7) North, Range One (1) West of the Sixth Principal Meridian a distance of approximately 450 feet; to the point of beginning, containing approximately 0.34 acres on the vacated roadway shall become the sole and separate property of Delmar J. & Marjorie L. Kuska.

That the owners of said vacated roadway are being awarded the portions or the vacated road upon the following conditions:

1. Fillmore County is allowing the Lower Big Blue Natural Resources District to remove the bridge and the traveled roadway section to be used as borrow in constructing a watershed project on Turkey Creek, called Dam Site 3 that will eventually back up water to overtop the roadway between section 22 and section 23, T-7-N, R-1-W in Fillmore County.

2. If the respective landowners are desirous of determining the exact center of the vacated road or the portion of the vacated road which each shall own following the vacation of said, then it shall be the responsibility and expense of the four landowners to conduct a survey in order to resolve the issue

3. It shall be the sole responsibility or the respective landowners heretofore described to notify their liability insurance carriers of the acquisition of the vacated portion of the roadway so as to provide said insurance carriers with knowledge that said vacated roadway is now owned by the respective owners for purposes of liability insurance coverage.

4. The County shall have no responsibility or liability with regard to the maintenance of the vacated roadway.

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.

### **PIVOT AND END GUNS DAMAGING ROADS**

Deputy County Attorney, Howard Ach presented a resolution and a new public notice for the newspaper regarding the policy for pivot and end guns damaging roadways.

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

#### **RESOLUTION 2010-19**

**WHEREAS**, Section 39-301 of the Nebraska Revised Statutes prohibits anyone from injuring or obstructing a public road, and

**WHEREAS**, diverting water unto or across a public road which saturates, washes, or impairs the maintenance, construction or passability of such public road is prohibited by law, and

**WHEREAS**, allowing water to accumulate on the roadway or traveled surface of the road is prohibited by law; and

**WHEREAS**, no criminal penalties may be applied when damages to a road has been caused by the mechanical malfunction of any irrigation equipment when a sprinkler system had been set so that under normal weather conditions no water would have been placed upon the right of way of any road, and

**WHEREAS**, all sprinkler systems which due to location or design diverts, or is capable of diverting, water onto or across a public road so as to saturate, wash, or impair the maintenance, construction or passability of such road, or allows water to accumulate on the roadway or traveled surface shall be equipped with a devise to automatically shut off the end gun of the irrigation system, and

**WHEREAS**, it is the determination of the Board of Supervisors of Fillmore County, Nebraska that any person who damages a road with irrigation water in violation of Nebraska Revised Statutes 39-301, shall be liable to the County for the cost of repair, re-graveling and/or additional maintenance caused, and

**WHEREAS**, the owner of record of the land on which the irrigation system caused the damage should be required to reimburse the county for said damages.

**NOW, THEREFORE, BE IT RESOLVED** by the County of Fillmore that the owner of record of land on which is located any irrigation system which damages a public road in Fillmore County, Nebraska, shall be liable

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for the cost of repair, re-graveling and additional maintenance, caused by said irrigation system diverting irrigation water onto or across a public road which saturates, washes, or impairs the maintenance, construction, or passability of such road.

**BE IT FURTHER RESOLVED** that the Fillmore County Road Department is authorized, after given reasonable notice to owners of the obstruction or persons so obstructing such road, to forthwith repair, re-gravel and maintain all such damaged road and bill the cost thereof to the owner of record of the land on which is located said irrigation system.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

#### **DRAINAGE STRUCTURES IN FAIRMONT TOWNSHIP**

After discussion, Mueller moved and Kimbrough seconded the motion to do nothing at the present time with the drainage structures between Sections 28 – 33 and 27 – 28, Fairmont Township. Upon roll call, the vote was as follows:

Ayes: Capek, Kimbrough, Cerny, and Mueller

Nays: Galusha                      Abstaining: Simacek

The Chairman declared the motion carried.

#### **COURTHOUSE PARKING LOT LETTING**

After discussion, Cerny moved and Simacek seconded the motion to accept Elmer Hessheimer, Highway Superintendent's recommendation and award the contract for the Courthouse parking lot to Ackland Construction, Inc. in the amount of \$42,930.00 plus an extra \$1,435.00 to fix/replace the approaches from F Street/Hwy. 41. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **UTILITY AGREEMENT**

After discussion, Kimbrough moved and Galusha seconded the motion to approve the utility agreement with Perennial Public Power to relocate utility poles for project FIC-30(360) located at the intersection of County Road K and Road 10 for an estimated cost of \$6,398.42. 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 DRAIN TILE**

After discussion, the Board decided to have the County Attorney write letters to the landowners along the drainage tile that runs in the East ditch on Road 10 between Road G and Road H on the north ¼ mile. More discussion will be taken at a future Board meeting.

#### **ADDITIONAL MOTOR GRADER OPERATOR**

After discussion, Kimbrough moved and Mueller seconded the motion to add an additional motor grader operator for fiscal year 2010/2011. 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.

#### **REGION V SYSTEMS**

C. J. Johnson with Region V Systems presented the annual report and budget request for Region V Systems. Budget request for fiscal year 2010/2011 is \$9,420.00 for mental health and \$1,694.00 for substance abuse, which is an increase of \$55.00 from fiscal year 2009/2010 for both programs. Budget request will be taken into consideration during the budget process later this summer.

#### **REGION V SERVICES**

Dave Merrill, Executive Director and Lisa Obermier, Director of Fillmore, York, and Seward counties presented the annual report and budget request for Region V Services. Budget request for fiscal year 2010/2011 is \$11,809.00, which is the same as fiscal year 2009/2010. Budget request will be taken into consideration during the budget process later this summer.

### ZONING CHANGE HEARING

Opened public hearing at 11:00 a.m. for the zoning change from residential to commercial on the west 84' of Lots 2-10, Block 1, W 84' of Lots 11-16, Block 2, and the W 84' of Lots 17-22, Block 3, East addition of the Village of Fairmont. As no one appeared for this hearing, the hearing was closed at 11:10 a.m.

After discussion, Cerny moved and Yates seconded the motion to approve the zoning change from residential to commercial in the east addition to the Village of Fairmont as well as make the change in the comprehensive plan. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

### ZONING CHANGE IN MILLIGAN

After discussion, Mueller moved and Yates seconded the motion to change the zoning from agriculture 2 to commercial in the S ½, of the SW ¼, Section 12-6-1, Glengary Township as well as make the change in the comprehensive plan. This had been annexed into the Village of Milligan previously, but not changed in the comprehensive plan. 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.

### ZONING CHANGE IN SHICKLEY

After discussion, Kimbrough moved and Galusha seconded the motion to change the zoning from residential to commercial in Lots 7-9, Block 9, Shickley Original town as well as making the change in the comprehensive plan. 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.

### ZONING APPLICATIONS

The Board requested that the Planning and Zoning Administrator submit a copy of all zoning applications to each Village Board prior to their approval.

### 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:**

Ace Agri Supply	Sup	50.16
Ameritas Life Insurance Corp.	Ret	2,871.00
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	541.42
The Arsenal Group, Inc.	Equip	5,670.00
Peggy Birky	Meals, Mile	126.58
William L. Burgess	Uni	35.00
Business World Products	Sup	338.82
Daryl L. Callenius	Uni	35.00
Lucille Capek	Mile	117.00
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
Computer Depot	Equip	1,133.99
Corner Stop	Fuel	211.01
Dell Marketing, LP	Equip, Sup	5,654.44
Des Moines Stamp Manufacturing, Co.	Sup	29.50
Dollar General Corp.	Sup	38.75
Eakes Office Plus	Sup, Equip	3,100.01
Embassy Suites	Lodging	140.00
Erdkamp Motors	Rep, Main	279.10
Executive Copier Servies	Ser	30.27
Fillmore County Hospital	Ser	75.00
Fillmore County Treasurer	Post, Equip, Misc	3,287.40
First Concord Benefits Group, LLC	Ser, Insur	2,880.48
Geneva Broadband, LLC	Ser	149.98
Geneva State Bank	Ser, SS	3,338.71
Geneva Super Foods	Sup	534.43

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Geneva TV & Appliance, Inc.	Sup	6.00
Geneva Welding & Supply, Inc.	Equip	744.00
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	248.20
Bob Hester	Uni	35.00
Hilty's of Geneva	Sup	38.12
Deborah B. Hoarty	Mile	73.50
Howard Johnson Riverside Inn	Lodging	113.90
JEO Consulting Group, Inc.	Ser	975.00
Howard E. Johnson	Mile	87.00
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Misc	2,631.13
Kerry's Auto Repair & Service	Rep	136.21
Stephen J. Kraviec	Ser, Post	1,703.59
Lawson Products, Inc.	Sup	78.64
Lease Consultants Corp.	Ser	249.00
Lynn Peavey Company	Sup	47.88
Madison National Life	Insur	10.68
Annette Marget	Mile	56.00
Ann H. McDonald	Ret	18.00
Microfilm Imaging Systems, Inc.	Ser	64.00
MIPS, Inc.	Ser	1,763.00
Rich Mueller / Thomas Biegert	Rent	650.00
Nebraska Assoc of County Extension Board	Dues	100.00
Nebraska Public Power District	Uti	1,171.57
Amy Nelson	Mile, Meals	212.80
Nick's Farm Store, Co.	Sup	51.02
Police Officers Association	Sup	135.00
Postmaster	Rent	690.00
Quality Inn & Suites	Lodging	139.90
Steven G. Roemmich	Uni	35.00
Saline County Treasurer	Bailiff	8,855.00
State of Nebraska AS Central Services	Ser	48.25
Surtec, Inc.	Sup	42.45
Barbara L. Trapp	Sup	64.31
US Bank CPS	Meals, Fuel	180.45
Brandy VanDeWalle	Mile	30.50
Carroll L. Verhage	Ser	175.00
Verizon Wireless	Uti	610.71
Terri Volkmer	Ser	645.00
Weaver Pharmacy	Sup	45.04
Daniel L. Werner, P.C., LLO	Ser	193.04
Anthony Whitmore	Uni, Post	69.01
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,066.29
York County Sheriff	Ser	41.64
Payroll	Salaries	44,985.90

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,608.77
Dorchester Farmers Coop	Fuel	289.65
Fillmore County Hospital	Ser	26.00
Geneva State Bank	SS	1,788.33
Ralph Gould	Ret	18.00
Elmer Hessheimer	Fuel	56.37
Donovan Jirkovsky	Ret	25.00
Kelch Plumbing, Heating & Refrig, Inc.	Rep	187.44
Lichti Oil	Fuel, Sup, Parts	5,199.13
M. E. Collins	Ser/Project	150,850.77
Medical Enterprises	Ser	89.70
Nebraska Public Power District	Uti	249.37
Nick's Farm Store Co.	Sup	16.40
NMC Exchange, LLC	Parts	4,117.41
Office Depot Credit Plan	Sup	138.50
Postmaster	Rent	110.00
R & R Services	Ser	333.33
Speece Lewis Engineers	Ser	14,877.16
Total Tool Supply, Inc.	Rep	39.26
Van Kirk Bros. Contracting	Ser/Project	43,941.15
Verizon Wireless	Uti	60.71
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	19.02
Windstream	Uti	155.16
Payroll	Salaries	24,410.48

**ECONOMIC DEVELOPMENT – TOURISM FUND:**

Fillmore County Development Corp.	Post, Mile, Wksh, Misc	652.26
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**INSTITUTIONS FUND:**

**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.86
Dawg's Smokehouse Café	HDM's	123.50
Geneva State Bank	SS	163.65
Elizabeth Mattox Manning	Ser	132.00
Windstream	Uti	153.65
Payroll	Salaries	2,159.62

**INHERITANCE TAX FUND:**

Fillmore County Treasurer	Transfer	150,000.00
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**ROAD BOND FUND:**

Fillmore County Treasurer	Transfer	10,000.00
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**NOXIOUS WEED FUND:**

Ameritas Life Insurance Corp.	Ret	76.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	231.54
Verizon Wireless	Uti	30.09
Payroll	Salaries	3,031.52

**911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	121.86
Wahltex, Inc.	Equip	1,799.00
Windstream	Uti	1,006.47

**CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

**EPC CONTRACT**

After discussion, Cerny moved and Mueller seconded the motion approve the contract with Region V Systems for Emergency Protective Custody Services (EPC) beginning July 1, 2010 and ending June 30, 2011 at a daily rate of \$121.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**CLOSING BUDGET ACCOUNTS**

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

**RESOLUTION 2010-20**

**WHEREAS**, Fillmore County, Nebraska, has a Juvenile Diversion Fund #0676, an Employment Securities Fund #1200, a Medical/Relief Fund #1500, an Institutions Fund #1700, a Senior Services Fund #2250, and a Noxious Weed Fund #5400, and

**WHEREAS**, Fillmore County has determined there is no longer a need to have separate funds for the above named funds,

**THEREFORE BE IT HEREBY RESOLVED**, the Juvenile Diversion Fund #0676, the Employment Securities Fund #1200, the Medical/Relief Fund #1500, the Institutions Fund #1700, the Senior Services Fund #2250, and the Noxious Weed Fund \$5400 will be closed as of June 30, 2010. The County Treasurer is directed to transfer all money remaining in aforementioned funds on June 30, 2010 to the Fillmore County General Fund. The County Treasurer is further directed to automatically transfer any future collections for the aforementioned funds directly to the General fund.

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.

**DEFICIT APPROPRIATION**

After discussion, Yates moved and Cerny seconded the introduction of the following resolutions:



**RESOLUTION 2010-21**

**WHEREAS**, all of the funds in the 2009-2010 budget for the Data Processing have been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in these budgets to meet all obligations for the 2009-2010 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 \$2,826.00 be appropriated to the Data Processing budget from the unused funds in the Miscellaneous account of the General Fund Budget for 2009-2010 of said county.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

**COUNTY PLAT BOOKS**

After discussion, the Board decided to continue with Farm & Home Publisher, LTD for the printing of the County plat books.

**HOPE CRISIS CENTER**

Carmen Grummert, Director of Hope Crisis Center presented the annual report and budget request. Budget request for fiscal year 2010/2011 is \$2,206.00, which is a \$64.00 increase from fiscal year 2009/2010. Budget request will be taken into consideration during the budget process later this summer.

**SENIOR SERVICES**

Brenda Motis, Senior Services Director presented what senior services have done over the last year.

**AGING PARTNERS**

June Pederson, Director of Aging Partners presented the annual report and budget request for fiscal year 2010/2011. Budget request for fiscal year 2010/2011 is \$11,364.00, which is an \$1,032.00 increase from fiscal year 2009/2010. Budget request will be taken into consideration during the budget process later this summer. Denise Boyd with Aging Partners attended this presentation.

**BERGGREN CONTRACT**

Deputy County Attorney, Howard Ach submitted concerns regarding the legal aspect of the contract from Berggren Architects to the Board. After discussion, the Board directed the Deputy County Attorney to work with Jerry Berggren directly and get a revised contract.

**SE ADULT DRUG COURT**

Sarah Rinne, SE Adult Drug Court Coordinator presented the annual report and budget request for fiscal year 2010/2011. Budget request for fiscal year 2010/2011 is \$1,000.00, which is \$252.71 lower than fiscal year 2009/2010. Budget request will be taken into consideration during the budget process later this summer.

**SE ADULT DRUG COURT INTERLOCAL AGREEMENT**

After discussion, Mueller moved and Yates seconded the motion to approve the interlocal agreement with the Southeast Adult Drug Court beginning July 1, 2010 and ending June 30, 2011. 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.

**SPECIAL ELECTION FOR HOSPITAL**

Paul Utemark, CEO of Fillmore County Hospital informed the Board that the Hospital Board is requesting that a special election be held on August 10<sup>th</sup>, 2010 to let the residents of Fillmore County determine whether a new hospital will be built.

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

**RESOLUTION 2010-22**


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


**Section 1.** The Board of Supervisors (the “**Board**”) of The County of Fillmore, Nebraska (the “**County**”) hereby finds and determines that: (a) it is necessary, desirable, advisable and in the best interests of the County and its residents that funds be provided for the purpose of paying the costs of acquiring, constructing, equipping and furnishing a replacement hospital to be owned by the County and operated by a board of trustees pursuant to Sections 23-3501 to 23-3527, inclusive, Reissue Revised Statutes of Nebraska, as amended, and; (b) for such purposes it will be necessary to issue bonds of the County in the total principal amount of not to exceed Eighteen Million Dollars (\$18,000,000.00); and (c) a proposition for the issuance of bonds for such purposes has not been submitted to the electors of this County within six months preceding the date preceding the date of the special election called by this Resolution.

**Section 2.** By Resolution of the Board, it is hereby ordered that a special election be held in the County on August 10, 2010, at which special election there shall be submitted to the qualified electors of the County the following proposition:

“Shall The County of Fillmore, Nebraska issue bonds of the County in a principal amount not to exceed Eighteen Million Dollars (\$18,000,000.00) for the purpose of paying the costs of acquiring, constructing, equipping and furnishing a replacement hospital to be owned by the County and operated by a board of trustees pursuant to Sections 23-3501 to 23-3527, inclusive, Reissue Revised Statutes of Nebraska, as amended; said bonds to be issued from time to time as may be determined by the Board of Supervisors, to bear interest at a rate or rates to be determined by the Board of Supervisors and to become due at such time or times as may be fixed by the Board of Supervisors; provided, however, any or all said bonds shall be redeemable at the option of the County as provided by law at the time of issuance; and

“Shall the County cause to be levied and collected annually a special levy of taxes against all the taxable property in said County in an amount sufficient in rate and amount to pay the interest and principal of said bonds as the same become due to the extent hospital revenues are insufficient for such purposes?”

 FOR said bonds and tax

 AGAINST said bonds and tax

**Section 3.** Qualified electors voting in favor of the proposition shall blacken the oval opposite the words “FOR said Bonds and tax” following said proposition, and qualified electors voting against said proposition shall blacken the oval opposite the words “AGAINST said Bonds and tax” following said proposition.

**Section 4.** The polling places for said election shall be designated by the Election Commissioner of the County. The polls shall be kept open from 8:00 a.m. to 8:00 p.m. on August 10, 2010, and a copy of the question submitted shall be posted at each place of voting during the day of election. The election boards and counting boards shall be appointed by the Election Commissioner of the County for this purpose.

**Section 5.** The Clerk is authorized and directed to make all necessary arrangements for submitting said proposition at said special election and to cause ballots to be printed containing said proposition set out at length and furnish the same, together with all necessary election supplies, to the election boards. The form of Notice to be published and the form of ballot to be used as such election are hereby approved as presented to the Board and a copy of said form of Notice and said form of ballot are attached to this resolution and made apart hereof.

**Section 6.** General notice of such election shall be published in the Nebraska Signal, as designated by the Board and posted by the County Clerk not less than forty (40) days prior to such election. Notice of the submission of said proposition shall be given to the qualified electors of the County by publication for four (4) weeks, five (5) times in the Nebraska Signal, a newspaper of general circulation in said County, the first publication to be on July 7, 2010 and the last publication on August 4, 2010, The sample ballot shall be published as provided by law.

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.

**LIVESCAN**

Donna Mainwaring, Emergency Manager and Bill Burgess, County Sheriff informed the Board that they would like to purchase a LiveScan and printer for approximately \$41,735.00 with yearly maintenance being \$5,845.00. They would like to submit an application for the Southeast Regional Governance Board for the purchase of the LiveScan with the county paying for the yearly maintenance.

After discussion, Mueller moved and Simacek seconded the motion to submit the application to the Southeast Regional Governance Board for the LiveScan and printer. 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.

**SOUTHEAST REGIONAL GOVERNANCE BOARD**

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

**RESOLUTION 2010-23**

**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 to the Southeast Regional Governance Board to fulfill all duties as required by the regional Emergency Management Group. The Fillmore County Board of Supervisors does hereby appoint the Fillmore County Deputy Emergency Manager and Fillmore County Sheriff as alternates 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: Galusha, Capek, Yates, Simacek, Kimbrough, Cerny, and Mueller

Nays: None

The Chairman declared the resolution adopted.

**SURPLUS**

After discussion, Yates moved and Cerny seconded the motion to declare the 2002 Ford Explorer 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.

**SALARY COMMITTEE**

Robert Mueller, Chairman of the salary committee reported that they had a meeting with the department heads and are recommending a twenty (\$.20) cent an hour increase for employees (except seasonal employees) and an additional 1.5% of the departments gross salary at the discretion of the department head.

After discussion, Yates moved and Mueller seconded the motion to approve the twenty (\$.20) per hour increase for employees (except seasonal employees) and to give an additional 1.5% of the departments gross salary at the discretion of the department head, to take effect on June 27<sup>th</sup>. The Highway Superintendent, Senior Services Director, Emergency Manager, Deputy Civil Defense, Veteran's Service Officer, Planning & Zoning Administrator, Weed Superintendent, and the Custodian/Groundskeeper salaries will be set by the Board.

After further discussion, Kimbrough moved and Mueller seconded to amend the motion to give employees a twenty (\$.20) per hour increase (except seasonal employees) and an additional 3% of the departments gross salary at the discretion of the department head, to take effect June 27<sup>th</sup>. Upon roll call on the amendment, the vote was as follows:

Ayes: Kimbrough, Cerny, Mueller, and Capek

Nays: Yates, Simacek, and Galusha

The Chairman declared the amendment carried.

Upon roll call of the motion, the vote was as follows:

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

Nays: Simacek and Galusha

The Chairman declared the motion carried.

### **CUSTODIAN/GROUNDSKEEPER SALARY**

Yates moved and Cerny seconded the motion for no change in salary for the Custodian/Groundskeeper. 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.

### **EMERGENCY MANAGER SALARY**

Mueller moved and Yates seconded the motion for no change in salary for the Emergency Manager at this time, as still in probation period. 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.

### **PLANNING & ZONING ADMINISTRATOR**

Mueller moved and Kimbrough seconded the motion for no change in salary for the Planning and Zoning Administrator. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **DEPUTY EMERGENCY MANAGER SALARY**

Yates moved and Cerny seconded the motion to have no change in salary for the Deputy Emergency Manager. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **SENIOR SERVICES DIRECTOR**

After discussion, Yates moved and Mueller seconded the motion to increase the Senior Services Director by \$.40 an hour. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **VETERAN'S SERVICE OFFICER SALARY**

Yates moved and Galusha seconded the motion to increase the Veteran's Service Officer's salary by \$.40 an hour. 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.

### **WEED SUPERINTENDENT SALARY**

Mueller moved and Kimbrough seconded the motion to increase the Weed Supervisor's salary by \$.40 an hour. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### **HIGHWAY SUPERINTENDENT SALARY**

Cerny moved and Mueller seconded the motion to increase the Highway Superintendent's salary by 3% a year. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**OIL COLLECTION**

After discussion, Yates moved and Cerny seconded the motion for no change in salary for Oil Collection. 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.

**ADJOURN**

As there was no other business to come before the Board, Simacek moved and Mueller seconded the motion to adjourn until 9:00 a.m., July 13, 2010. 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 9:34 a.m., July 13, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 1:32 p.m.

**MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the June 22, 2010 Board meeting.

**DRIVEWAY PERMITS**

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

- Aarik Jensen – install a new 40’ driveway on the north side of the NE ¼, Section 14-8-2, Fairmont Township;
- Vera Buttress – install a new 40’ driveway on the north side of the NE ¼, Section 24-6-4, Momence Township;
- Konzak Bros. – install a new 40’ driveway on the south side of the SE ¼, Section 19-6-4, Momence Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**OCCUPY COUNTY RIGHT OF WAY PERMIT**

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

Windstream Nebraska, Inc. – bury a communication line between Section 9 and Section 10-7-3, 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: Capek, Yates, Simacek, Kimbrough, Cerny, Mueller, and Galusha  
Nays: None

The Chairman declared the motion carried.

**USED OIL**

After discussion, the Board requested that the used oil collection budget would be transferred from the general fund to the Road fund and to keep the salary the same as what that person would be making in the road's department.

**STOP SIGN ROAD J & ROAD 22**

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

**RESOLUTION 2010 - 24**

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>
<b>STOP</b> sign	at the intersection of County Roads 22 and J, sign to be placed on Road 22 to stop north-bound traffic

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.

**STOP SIGN ROAD K & ROAD 22**

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

**RESOLUTION 2010 - 25**

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:

<b><u>TYPE OF DEVICE</u></b>	<b><u>LOCATION</u></b>
<b>STOP</b> signs	at the intersection of County Roads 22 and K, signs to be placed on Road 22 to stop north & south-bound traffic

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.

**BERGGREN CONTRACT**

Jerry Berggren, with Berggren Architects discussed the contract for shingling of the tower and clock repair with the Board and discussed any concerns that the Board and the County Attorney had.

After discussion, Yates moved and Cerny seconded the motion to approve the draft contract with Berggren Architects for the shingling of the tower and the clock repair. Jerry will have a contract to the Board for the July 27<sup>th</sup> 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.

**FILLMORE COUNTY DEVELOPMENT CORPORATION**

Patt Lentfer, Executive Director presented the budget request, current newsletter, and financial reports. Richard Walters, Mel Taylor, Christin Lovegrove, and Carol Vejraska Fillmore County Development Corporation Board members and Mary Johnson, office assistance were all present for the discussion. Christin Lovegrove informed the Board of what the new group “Young Leaders” is all about.

**FEE REPORTS**

Cerny moved and Mueller seconded the motion to approve the fee reports for the month of June, 2010:

**Clerk:** \$8,652.25 (State \$5,202.90 & County \$3,449.35)  
**Sheriff:** 1,906.70  
**Clerk of District Court:** \$2,404.97

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.

**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.

<b><u>GENERAL FUND:</u></b>		
Ace Agri Supply	Sup	226.17
Howard Ach	Rent, Post, Sup	3,441.07
Lanny Ackerman	Mtgs, Mile	90.00
Action Auto	Sup	97.06

		July 13, 2010
Ameritas Life Insurance Corp	Ret	3,045.96
Auto Value Parts Stores	Sup	20.04
Best Western Whitehouse Inn	Lodging	129.99
Black Hills Energy	Uti	63.59
Blue Cross Blue Shield of Nebraska	Insur	22,637.61
Todd Boller	Post	19.88
Brothers Equipment, Inc.	Sup	221.61
Randall Capek	Mtgs	14.00
Century Lumber Center	Sup	58.35
Chaney Chemical, Inc.	Sup	379.62
City of Geneva	Uti	295.00
Clerk of the Supreme Court	Ser	125.00
Computer Depot	Sup	69.82
Constellation Energy	Uti	3.65
Continental Research Corp.	Misc	23.32
Gaylord Craddock	Mile	51.00
Jill R. Cunningham	Mile	36.00
Geraldine Daniels	Mile	18.50
Dawg's Smokehouse Café	HDM's	136.50
Dell Marketing, L.P.	Sup	170.04
Eakes Office Plus	Sup	1,866.86
Earls Window Service	Ser	11.00
Election Systems & Software, Inc.	Sup	1,237.68
Sharon Elznic	Mtgs, Mile	69.00
Erdkamp Motors	Main	36.00
Executive Copier Services	Ser	98.20
Exeter Care Center	HDM's	585.00
Fillmore County Clerk	Ser	10.50
Fillmore County Treasurer	Taxes, Post, Equip, misc	39,649.24
First Concord Group, Inc.	Ser	177.00
Friesen Chevrolet, Inc.	Rep	4.35
Gage County Court	Ser	6.00
Gambles of Geneva	Sup	47.34
The Garbage Co.	Ser	138.42
Geneva Activity & Education Dept.	Ser	100.00
Geneva Senior Center	Rent, USDA, Sup	801.75
Geneva State Bank	SS	3,354.30
Geneva Welding & Supply, Inc.	Sup	376.95
Grafton Mini Mart	Fuel	70.46
John Griess	Mtgs, Mile	27.00
Matt Harre	Mtgs, Mile	62.00
Frances Heinrichs	Mile	34.00
Hilty's of Geneva	Sup	445.66
Hometown Leasing	Ser	839.19
Ronald Isley	Mile	39.00
JEO Consulting Group, Inc.	Ser	1,775.00
Richard Kleinschmidt	Mile	8.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,785.00
Lehman Reporting Services	Ser, Mile	385.80
Lichti Oil	Fuel	2,346.90
Harold Long	Mile	9.50
Madison National Life	Insur	208.59
Bette Mattox Manning	Ser	144.00
Microfilm Imaging Systems, Inc.	Rent	64.00
MIPS, Inc.	Ser, Rep	2,640.00
Y. Scott Moore, MD	Ser	1,187.50
Mark Morgan	Mtgs, Mile	54.00
Moses Motor Company, Inc.	Sup	89.31
Morley Most	Mtgs, Mile	90.00
Brenda Motis	Mile	183.50
Marvin Nadherny	Mtgs, Mile	54.00
Nebraska Law Enforcement Training Center	Wksh	50.00
The Nebraska Signal	Ads, Proc	1,497.46
NIRMA	Insur	62,074.00
Merle Noel	Mtgs, Mile	46.50
Reg Noel	Mtgs, Mile	46.50
Michelle Odvody	Mile, Meal	52.89
Platte Valley Communications of Hastings	Equip, Sup, Rep	5,249.60
Quality Inn & Suites	Lodging	79.99
Ralph's Geneva Tire & Service Center, Inc.	Rep, Main, Equip	1,031.12
Shell Fleet Plus	Fuel	2,197.86
Sleuth Software	Ser	340.00
State of Nebraska AS Central Finance	Ser	448.00
Allan Stuckey	Mtgs, Mile	27.00
Superior Outdoor Power Center, Inc.	Equip	6,695.00
Thayer County Sheriff	Ser	37.08
Total Funds by Hasler	Post	700.00
US Bank CPS	Meals	17.09
Brandy VanDeWalle	Mile	33.00



		July 13, 2010
Terri Volkmer	Ser	645.00
Daniel L. Werner, P.C., LLO	Ser, Mile	220.00
Windstream	Uti	235.15
Payroll	Salaries	46,045.58
<b><u>ROAD/BRIDGE FUND:</u></b>		
Action Auto Supply	Sup, Parts	36.53
All Roads Barricade, Inc.	Sup	97.73
Ameritas Life Insurance Corp.	Ret	1,608.97
Auto Value Parts Stores	Parts, Sup	659.95
Baum Hydraulics	Parts	34.11
Black Hills Energy	Uti	66.48
Blue Cross Blue Shield of Nebraska	Insur	12,534.69
Casey's General Store	Fuel	115.43
Century Lumber Center	Sup, Parts	9.54
City of Geneva	Uti	63.40
Corner Stop	Fuel	2,105.96
Dorchester Farmers Coop	Fuel, Rep	350.56
Farm Plan	Parts	256.99
Filter Care of Nebraska	Parts	17.20
The Garbage Company	Ser	84.27
Geneva Activity & Education Dept.	Ser	550.00
Geneva State Bank	SS	1,788.53
Grafton Mini Mart	Fuel	137.69
Grafton Oil	Sup	356.95
Kerry's Auto Repair & Service	Rep	12.00
Lichti Oil	Fuel, Parts	9,442.65
Madison National Life	Insur	92.87
Medical Enterprises, Inc.	Ser	5.00
MIPS, Inc.	Ser	106.56
Nebraska Iowa Industrial Fasteners	Sup	101.95
Nebraska Bolt	Sup	161.25
Nichols Construction	Gravel	39,654.12
Nick's Farm Store	Rep	12.99
NIRMA	Insur	69,190.00
Perennial Public Power	Uti	98.33
Power Plan	Parts	597.73
R & D Parts	Parts, Sup	17.02
Ralph's Geneva Tire & Service Center, Inc.	Rep, Sup	170.55
Roit Repair	Rep, Equip	310.74
Shell Fleet Plus	Fuel	198.41
Superior Deshler, Inc.	Fuel	101.16
Trade Winds Motel	Lodging	192.00
Transit Works	Rep	431.52
US Bank CPS	Post	28.26
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	38.64
Village of Grafton	Uti	21.07
Village of Milligan	Uti	24.35
Westover Rock & Sand, Inc.	Ser	4,574.21
Payroll	Salaries	24,413.37
<b><u>ECONOMIC DEVELOPMENT – TOURISM FUND:</u></b>		
Southeast NE Visitor's Guide	Ads	505.00
<b><u>INHERITANCE TAX FUND:</u></b>		
Jeff's Tree Service	Ser	300.00
Pieper's Inc.	Rep	2,773.61
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	June taxes	980.56
<b><u>911 COMMUNICATIONS FUND:</u></b>		
US Bank CPS	Dues	184.00

#### CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

#### SUPERVISORS VS. COMMISSIONERS

After discussion, Mueller moved and Kimbrough seconded the motion that no action is taken regarding Supervisors/Commissioners question on the general election ballot due to new state statutes. 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.

**FEDERAL/STATE PUBLIC TRANSPORTATION AGREEMENT**

Kimbrough moved and Cerny seconded the motion to approve and sign the Federal/State Public Transportation Operating Assistance Agreement beginning July 1, 2010 and ending June 30, 2011 for Fillmore County rural transit. 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.

**GARBAGE SERVICE BIDS**

Richard Ellison, Custodian submitted three bids for garbage service:

<u>Company</u>	<u>Monthly Fee</u>
Kopchos Sanitation, Inc.	\$55.00 – 3 yard container
	\$65.00 – 4 yard container
The Garbage Company	\$72.17 – 3 yard container
	\$99.92 – 4 yard container
Burton Enterprises, LLC	\$60.00 – 3 yard container
	\$70.00 – 4 yard container

After discussion, Yates moved and Simacek seconded the motion to change the garbage service for the courthouse to Kopchos Sanitation, Inc. with a three (3) yard dumpster for \$55.00 a month. 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.

**SAFETY COMMITTEE**

Mueller moved and Simacek seconded the motion to appoint Donna Mainwaring, Fillmore County Emergency Manager to the safety committee beginning July 1, 2010 and ending December 31, 2011. 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.

**AGING PARTNERS BOARD**

Kimbrough moved and Yates seconded the motion to reappoint Christina Snell to the Aging Partners board beginning July 1, 2010 and ending June 30, 2013. 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.

**PLANNING COMMISSION BOARD**

Galusha moved and Mueller seconded the motion to reappoint John Griess, Marvin Nadherny, and Lanny Ackerman to the Planning Commission board beginning July 1, 2010 and ending June 30, 2013. 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.

**VETERAN’S SERVICE BOARD**

Simacek moved and Cerny seconded the motion to reappoint Tim Wilbeck to the Veteran’s Service Board beginning July 1, 2010 and ending June 30, 2015. 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.

**JAIL INSPECTION**

Simacek, Kimbrough, and Capek inspected the jail and reported that everything looked good.

**HOSPITAL UPDATE**

Paul Utemark, CEO of Fillmore County Hospital reported to the Board how the informational meetings were going and answered any questions that the Board had.

**HOSPITAL BOARD**

After discussion, Yates moved and Cerny seconded the motion to appoint Dennis Kimbrough and Alan Emshoff to the Hospital Board beginning July 1, 2010 and ending June 30, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Cerny, and Mueller  
Nays: Galusha and Simacek                      Abstaining due to conflict of interest: Kimbrough

The Chairman declared the motion carried.

**AUGUST BOARD MEETING**

Amy Nelson, County Clerk requested that the August 10<sup>th</sup> Board meeting be moved to Monday, August 9<sup>th</sup> due to the Special Election for the Hospital. The Board agreed to move the meeting to Monday, August 9<sup>th</sup>.

**GENERAL ASSISTANCE 2010-02**

After discussion, Mueller moved and Cerny seconded the motion to deny the general assistance 2010-02 application. 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.

**ADJOURN**

Agenda item “zoning regulations and employee handbook” were tabled until the next board meeting. As there was no other business to come before the Board, Simacek moved and Cerny seconded the motion to adjourn until 9:10 a.m., July 27, 2010. 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 9:14 a.m., July 27, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Galusha, and Cerny. Mueller was absent and Simacek left at 10:45 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 11:48 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the July 13, 2010 Board meeting.

#### **911 RECORDING SYSTEM**

Yates moved and Simacek seconded the motion to approve the purchase of a NICE MIRA IV audiolog system with a three year lease/purchase for a monthly payment of \$789.89. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **DRIVEWAY PERMITS**

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

Danny Domeier – install a new 40' driveway on the east side of the SE ¼, Section 16-7-3, Geneva Township;  
Rod Heinrichs – widen an existing driveway to 35' on the south side of the SW ¼, Section 18-5-1, Franklin Township;  
Rod Heinrichs/George Obernagel – widen an existing driveway to 40' on the south side of the SW ¼, Section 35-5-3, Hamilton Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT OF WAY PERMIT**

Yates moved and Cerny seconded the motion to approve the following application to occupy county right of way permit:

Windstream Nebraska, Inc. – bury a communication line between Road 16 and Road L / Section 27, 28, 33, and 34-7-2, Madison 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: Yates, Simacek, Kimbrough, Cerny, Galusha, and Capek  
Nays: None

The Chairman declared the motion carried.

#### **FRANKLIN TOWNSHIP**

After discussion, Cerny moved and Kimbrough seconded the motion to approve the interlocal agreement with Franklin Township to maintain the township roads beginning July 27, 2010 and ending June 30, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **12 OPERATOR AREAS**

Highway Superintendent, Elmer Hessheimer presented documents to show what the new operator areas will be once an operator is hired.

#### **COURTHOUSE PARKING LOT**

After discussion, the Board directed the Highway Superintendent to ask the City of Geneva if they would be interested in painting the lines in the Courthouse parking lot, if not he will get a bid from Biegert Construction.

### SPRAYING TOWNSHIP ROADS

After discussion, the Board directed the Highway Superintendent to ask the Geneva Township board members if they would be interested in paying to have the township roads sprayed.

### BERGGREN CONTRACT

After discussion with Wim Kersten, project manager with Berggren Architects, Yates moved and Cerny seconded the motion to approve and sign the contract with Berggren Architects for the shingling of the tower and the clock repair. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, 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:

A-1 Body & Glass	Sup	10.78
American Legion Emblem Sales	Sup	434.95
Ameritas Life Insurance Corp.	Ret	3,176.58
Jon Anderson	Uni, Meals, Post	62.52
Aramark Uniform Services, Inc.	Ser	704.06
Blue Cross Blue Shield of Nebraska	Insur	23,278.71
Bottorf & Maser, Atty.	Ser, Mile	155.00
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	135.65
Crete Vision Clinic	Ser	165.00
Merlin Ehmen	Ret	22.00
Election Systems & Software, Inc.	Sup	1,174.26
Exeter Senior Center	USDA	41.04
Fairmont Aging Services	USDA	193.80
Fillmore County Court	Fees	733.89
Fillmore County Hospital	Ser	25.00
Fillmore County Rural Transit	Ser	45.00
First Concord Group, Inc.	Insur	5,563.86
Geneva Broadband, LLC	Uti	99.98
Geneva State Bank	Ser, SS	3,571.94
Geneva Super Foods	Sup	785.74
Graham Tire	Tires	322.00
Norma Gregory	Ret	25.00
Bob Hester	Uni	35.00
Jim's Repair	Main	35.75
Steve Julich	Uni, Post	42.00
Ka – Comm, Inc.	Rep	187.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Wksh	2,874.64
Stephen J. Kraviec	Ser, Post	1,706.18
Lease Consultants Corporation	Ser	249.00
Madison National Life	Insur	9.45
MailFinance	Ser	248.20
Ann H. McDonald	Ret	18.00
Rick Micek	Sup	140.85
Mid-American Research Chemical	Sup	941.42
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Dues	1,375.23
Nebraska Association of Senior Centers	Dues	20.00
Nebraska Public Power District	Uti	2,469.93
Norrie Construction	Rep	436.68
Proforma	Sup	405.36
Region V Systems	EPC	1,650.00
Steven G. Roemmich	Uni	35.00
Saline County Sheriff Office	Boarding inmate	480.00
Secretary of State/Elections	Sup	5.00
Seward County Bridges End of Life Coalition	Wksh	30.00
Shell Fleet Plus	Fuel	2,617.56
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Sup	4.00

		July 27, 2010
State of Nebraska Health & Human Services	June Patient Care	90.00
State of Nebraska Public Health Envir.	Ser	168.00
Thayer County Treasurer	Sup	1,524.44
UN-L IS-Telecommunications	Uti	7.20
US Bank CPS	Meals, Sup	62.98
Verizon Wireless	Uti	550.63
Weaver Pharmacy	Sup	228.59
Daniel L. Werner	Ser, Mile	2,025.00
Anthony Whitmore	Uni, Meals	58.20
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,475.92
York County Sheriff	Ser	19.00
Payroll	Salaries	48,876.92
<b><u>ROAD/BRIDGE FUND:</u></b>		
Ameritas Life Insurance Corp.	Ret	1,680.02
Blue Cross Blue Shield of Nebraska	Insur	12,534.69
Farm Plan	Parts, Sup	468.40
Geneva State Bank	SS	1,883.16
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	76.39
Donovan Jirkovsky	Ret	25.00
John Day Company	Sup	119.26
Kamler's Garage	Rental	420.00
Lawson Products, Inc.	Sup	240.09
Lichti Oil	Fuel	20,523.12
Michl Service	Fuel	61.40
Mike's Radiator & Tire	Rep	60.00
Nebraska Public Power	Uti	387.28
Newman Traffic Signs	Sup	870.16
Perennial Public Power	Uti	58.37
Plains Power & Equipment	Parts	12.50
Speece Lewis Engineers	Ser	10,279.05
Verizon Wireless	Uti	67.32
Weaver Repair, Inc.	Parts, Rep	107.39
Westover Rock & Sand, Inc.	Sup, Equip	3,934.36
Windstream	Uti	154.98
Payroll	Salaries	25,691.17
<b><u>ECONOMIC DEVELOPMENT – TOURISM FUND:</u></b>		
University of Nebraska Rural Initiative	Subscription	250.00
<b><u>INHERITANCE TAX FUND:</u></b>		
JC Enterprises	Rep	1,522.37
<b><u>911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	154.41
Windstream	Uti	1,007.39

### CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

### KRUPICKA SUBDIVISION

Geraldine Daniels, Planning & Zoning Administrator submitted a plat for the Krupicka Subdivision located in Section 32-5-1, Franklin Township.

Yates moved and Galusha seconded the motion to approve the Krupicka Subdivision as follows: a tract of land located in a part of the south half of the southeast quarter of Section 32-T5N, R1W of the 6<sup>th</sup> P.M., Fillmore County, Nebraska and being more particularly described by metes and bounds as follows: for the purpose of this legal description, the basis of bearings is the west line of the south half of the southeast quarter of said Section 32, having an assumed reference bearing of N 00°30'55"W. Beginning at the southeast corner of the south half of the southeast quarter of said Section 32; thence northerly N00°30'55"W, on the west line of the south half of the southeast quarter of said Section 32, 501.73 feet; thence easterly S89°37'19"E, 365.09 feet; thence southerly S17°00'14"W, 140.65 feet; thence southeasterly S63°07'31"E, 116.42 feet; thence easterly N88°16'41"E, 131.43 feet; thence southerly S01°37'39"E, 300.08 feet, to a point of intersection on the South line of the South half of the southeast quarter of said Section 32; thence westerly S88°21'23"W, on the south line of the south half of the southeast quarter of said Section 32, 563.41 feet, to the true point of beginning: containing a calculated area of 5.443 acres more or less, of which 0.427 acres more or less are reserved for County Right of Way purposes. Subject to all easements, restrictions, and reservations of record.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**WITHDRAWING PLEDGE SECURITY**

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

**RESOLUTION 2010-26**

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

CUSIP #38374FSF-2 in the amount of \$500,000.00

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**APPOINT BUDGET MAKING AUTHORITY**

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

The Chairman declared the motion carried.

**EXECUTIVE SESSION**

Yates 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 items authorized by Statute to be discussed in executive session. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried and requested that the County Clerk remain. Executive session began at 11:38 a.m.

**RETURN TO REGULAR SESSION**

Kimbrough moved and Galusha seconded the motion to return to open session at 11:43 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

Agenda items "Agreement with Speece Lewis, Hamilton Township, Highway Superintendent's position, zoning regulations, and employee handbook" were tabled until the next board meeting. As there was no other business to come before the Board, Cerny moved and Yates seconded the motion to adjourn until 9:10 a.m., August 9, 2010. Upon roll call, the vote was as follows:

Ayes: Kimbrough, Cerny, 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., August 9, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 11:34 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the July 27, 2010 Board meeting.

#### **FEE REPORTS**

Kimbrough moved and Galusha seconded the motion to approve the fee reports for July 2010:

**County Clerk:** \$4,223.04 (State \$1,555.79 & County \$2,667.25)

**County Sheriff:** \$3,426.59

**Clerk of District Court:** \$350.58

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.

#### **TAX FORECLOSURES**

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

#### **RESOLUTION 2010-27**

**WHEREAS**, The County of Fillmore is the owner and holder of several Certificates of Tax Sale of several parcels of real estate, issued to The County of Fillmore for all delinquent regular taxes thereon, and which having been regularly advertised and offered for sale at tax sale, and remaining unsold for want of bidders, was sold to the County of Fillmore and Certificates of Tax Sale issued thereon under provisions of Nebraska Revised Statutes Section 77-1809 (1980), 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, and less than ninety (90) days have elapsed since the right of redemption expired.

**NOW THEREFORE BE IT RESOLVED** that Howard Ach, Deputy County Attorney, be and he is hereby directed, as promptly under the circumstances as it is reasonably possible so to do, to institute action to foreclose the lien of all taxes delinquent whether regular or special, on all real estate within Fillmore County, Nebraska, which having been heretofore advertised and offered for sale and remaining unsold for want of bidders was sold to the County of Fillmore and Certificates of Tax Sale issued thereon.

**BE IT FURTHER RESOLVED** that the County Treasurer of Fillmore County, Nebraska be and the same hereby is directed, to issue Treasurer's Certificates of Tax Sale in favor of Fillmore County that all parcels of real estate offered for sale for less than three consecutive years were not sold for want of bidders.

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.

#### **DRIVEWAY PERMITS**

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

Patricia Rocolo – install a new 25' driveway on the west side of the NW ¼, Section 27-8-1, Exeter Township;

Ron Marble – install a new 40' driveway on the east side of the SE ¼, Section 23-5-2, Belle Prairie Township;

4M Farms – repair a driveway and install a new 40' driveway on the west side of the SW ¼, Section 33-6-2, Chelsea Township;

Steve Ewalt – remove two driveways and install three new 40' driveways:

#1 – replace an existing driveway on the north side of the NE ¼, Section 10-6-3, Stanton Township;

#2 & #3 – remove a driveway and install two driveways on the east side of the SE ¼, Section 10-6-3, Stanton Township;



Steve Ewalt – widen two driveways and install a new driveway on the west side of the NW ¼, Section 6-6-3, 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 PERMIT**

Yates moved and Mueller seconded the motion to approve the following clean silt permit:

4M Farms – to clean silt from the west side of the SW ¼, Section 33-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **OCCUPY COUNTY RIGHT OF WAY PERMIT**

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

Windstream Nebraska, Inc. – bury a communication line in Section 35-7-3, 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: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

#### **SPEECE LEWIS AGREEMENT GRAFTON TOWNSHIP**

After discussion, Galusha moved and Simacek seconded the motion to approve the agreement with Speece Lewis on project #C-30(295) to replace a concrete arch bridge with a new concrete box culvert between Section 2 and Section 3, Grafton 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.

#### **PROPERTY IN EXETER**

After discussion, Mueller moved and Yates seconded the motion to accept a small tract of land inside the property of the Exeter shop by quit claim deed from Perennial Public Power. 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.

#### **COURT OFFICE COPIER/FAX**

Peggy Birky, Clerk of the District Court presented a lease for the copier/fax machines located in the court offices.

After discussion, Mueller moved and Simacek seconded the motion to allow Peggy Birky to sign the lease and addendum with Axis Capital, Inc. for a new copier and fax machine from Executive Copier Systems, Inc. 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.

#### **PROBATION OFFICE**

John McCarthy, Chief Probation Officer and Cliff Wolf, Chief Deputy Probation Officer with the First Probation District informed the Board that they would like to place a full time probation officer in Fillmore County to possibly serve Nuckolls, Clay, Thayer, and Fillmore.

After discussion, Kimbrough moved and Mueller seconded the motion to find an office location for a full time probation office in Fillmore County with Larry Cerny and Steve Yates as the contacts for the First Probation District. 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.

### HIGHWAY SUPERINTENDENT'S POSITION

The Board and Highway Superintendent, Elmer Hessheimer discussed the options they have since Elmer will be retiring at the end of the year. After discussion, the Board decided to start advertising for a full time Highway Superintendent with a class A or B license and responsible charge experience preferred but not required. Deadline for applications will be September 30, 2010.

### CLAIMS

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

### GENERAL FUND:

Howard F. Ach, Atty.	Rent, Post, Sup	3,292.17
Action Auto Supply	Main	10.55
Ameritas Life Insurance Corp.	Ret	3,007.23
Black Hills Energy	Uti	72.54
Todd Boller	Post	10.12
Century Lumber Center	Sup	212.84
Larry Cerny	Mile	50.00
Chaney Chemical, Inc.	Sup	112.50
City of Geneva	Uti	281.00
Constellation Energy	Uti	2.92
Jim Cossaart	Misc	248.00
Dawg's Smokehouse Café	HDM's	143.00
Dawson County Sheriff's Office	Ser	20.00
Douglas County Sheriff	Ser	9.18
Eakes Office Plus	Sup	537.03
Earls Window Service	Ser	6.00
Evercom Systems, Inc.	Sup	80.00
Executive Copier Services	Ser	77.79
Exeter Senior Center	USDA	38.19
Fairmont Aging Services	USDA	178.98
Fillmore County Clerk	Fee	15.50
Fillmore County Treasurer	Interest	37.93
First Concord Benefits Group	Insur	1,626.80
Gambles	Sup	19.61
The Garbage Co.	Ser	118.15
Geneva Broadband, LLC	Sup	26.76
Geneva Senior Center	USDA, Rent	636.92
Geneva State Bank	SS	3,242.29
Geneva TV & Appliance, Inc.	Sup	6.00
Grafton Mini Mart	Fuel	384.33
Hamilton County Sheriff	Ser	24.36
Hometown Leasing	Ser	710.75
JEO Consulting Group, Inc.	Ser	3,375.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	4,220.00
Kopchos Sanitation, Inc.	Ser	46.50
Lancaster County Sheriff's Dept.	Ser	7.06
Lease Consultants	Ser	249.00
Lichti Oil	Fuel	60.83
Madison National Life	Insur	189.73
MIPS, Inc.	Ser	2,608.19
Brenda Motis	Mile	46.50
NAPVA-NE Assn. of Professional Vets	Dues	100.00
Nebraska Assoc. of Senior Centers	Wksh	90.00
The Nebraska Signal	Pro, Sup	2,222.74
Platte Valley Communications of Hastings	Sup	464.90
Ralph's Geneva Tire & Service Center, Inc.	Main	76.90
Saint Elizabeth RMC	Medical	12,587.33
State of Nebraska AS Central Finance	Ser	448.00
UN-L IS-Telecommunications	Uti	21.68
US Bank, CPS	Sup, Meal	93.43
Van Diest Supply Company	Sup	828.00

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Weaver Pharmacy	Sup	288.19
Eric Williams	Wksh, Post	19.80
Windstream	Uti	237.30
Payroll	Salaries	44,649.25
<b><u>ROAD/BRIDGE FUND:</u></b>		
Ace Irrigation & Manufacturing, Co.	Culverts	7,023.50
Ameritas Life Insurance Corp.	Ret	1,678.63
Action Auto Supply	Sup, Parts	60.60
Auto Value Parts Stores	Parts, Sup, Rep	607.73
Black Hills Energy	Uti	61.47
Casey's General Store	Fuel	2,111.22
Century Lumber Center	Sup, Rep	40.98
City of Geneva	Uti	53.80
Corner Stop	Fuel	52.86
Dorchester Farmers Coop	Fuel	3,679.95
Filter Care of Nebraska	Parts	28.60
The Garbage Company	Ser	84.27
Geneva Engineering	Rental	3,607.50
Geneva State Bank	SS	1,900.97
Geneva Welding & Supply, Inc.	Parts, Sup	169.09
Grafton Oil	Fuel	1,521.19
Lichti Oil	Fuel, Parts	3,651.86
M. E. Collins	Project	8,107.70
Madison National Life	Insur	92.87
Midwest Steel Fabricators	Sup	301.55
MIPS, Inc.	Ser	106.56
Nebraska Iowa Industrial Fasteners	Sup	198.22
The Nebraska Signal	Ad	36.00
Nichols Construction	Gravel	56,822.38
Perennial Public Power	Uti	38.37
Power Plan	Parts	1,093.48
R & D Parts DBA Geneva Carquest	Sup	18.58
R & R Service	Ser	333.33
Ralph's Geneva Tire & Service Center, Inc.	Sup, Rep	1,301.15
Roit Repair	Rep	48.29
Shell Fleet Plus	Fuel	275.73
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Village of Ohioa	Uti	20.00
Payroll	Salaries	25,924.09
<b><u>ECONOMIC DEVELOPMENT – TOURISM FUND:</u></b>		
Century Lumber Center	Sup	115.31
Cocoa Bean Design	Ser, Sup	581.00
<b><u>INHERITANCE TAX FUND:</u></b>		
JC Enterprises	Rep, Sup	56.95
Pedersen Restoration, Inc.	Rep	2,600.00
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	July taxes	747.18
<b><u>911 COMMUNICATIONS FUND:</u></b>		
Andrews Electric Co., Inc.	Rep	341.25
US Bank CPS	Sup	179.99

#### CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

#### GENERAL ASSISTANCE 2010-03

After discussion, Mueller moved and Kimbrough seconded the motion to deny general assistance application 2010-03 as general assistance is the last resort. 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.

#### ADJOURN

August 9, 2010

Agenda items “Zoning regulations, Employee Handbook, and Courthouse lighting” were tabled until the next board meeting. As there was no other business to come before the Board, Simacek moved and Cerny seconded the motion to adjourn until 9:15 a.m., August 24, 2010. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:16 a.m., August 24, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 2:16 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the August 9, 2010 Board meeting.

#### **REGIONAL PREVENTION COORDINATION**

Sandy Morrissey with Region V Systems informed the Board of new promotions that the Regional Prevention Coalition is doing for the upcoming year. Sandy also requested that the Board let her know if anyone is interested in taking the leadership role for the Fillmore County Coalition.

#### **DRIVEWAY PERMITS**

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

Tim Due – widen an existing driveway on the east side of the NE ¼, Section 8-8-1, Exeter Township;  
Jerry Stevens – install a new driveway on the west side of the NW ¼, Section 2-8-3, West Blue 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 PERMIT**

Yates moved and Simacek seconded the motion to approve the following application to occupy county right-of-way permit:

Tim Due – bury an electrical line in the E ½ of the NE ¼, Section 8-8-1, Exeter 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: Mueller, Galusha, Capek, Yates, Simacek, Kimbrough, and Cerny

Nays: None

The Chairman declared the motion carried.

#### **GENEVA EAST PROJECT**

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

#### **RESOLUTION 2010 - 32**

**WHEREAS**, certain transportation facilities (roads, streets, 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;

**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 of process as stated in the LPA Guidelines Manual; 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.

**BE IT FURTHER RESOLVED,** The Fillmore County Board of Supervisors does hereby designate the following as responsible for the management of the Consultant Selection process: Chairman of the Fillmore County Board of Supervisors.

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.

**PROJECT #BRO-7030(33) – GENEVA EAST**

After discussion, Kimbrough moved and Yates seconded the motion to sign the agreement with Mainelli Wagner & Associates, Inc. for project #BRO-7030(33) Geneva East project. 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.

**HIGHWAY SUPERINTENDENT JOB DESCRIPTION**

After discussion, Kimbrough moved and Mueller seconded the motion to approve the Highway Superintendent job description. 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.

**RESPONSIBLE CHARGE JOB DESCRIPTION**

After discussion, Yates moved and Kimbrough seconded the motion to approve the Responsible Charge Person (RC) job description. 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.

**SURPLUS**

After discussion, Mueller moved and Yates seconded the motion to declare the safe surplus. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**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	3,078.97
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	560.80
Bear Graphics, Inc.	Sup	338.61
Black Hills Energy	Uti	42.97
Blue Cross Blue Shield of Nebraska	Insur	22,681.82
The Blue Pig	Ser	39.55
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Computer Depot	Sup	55.99
Constellation Energy	Uti	2.19

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Corner Stop	Fuel	246.40
Cottonwood Title Company	Ser	150.00
Dell Marketing, L.P.	Equip	1,171.77
Des Moines Stamp, Mfg. Co.	Sup	117.25
Merlin Ehmen	Ret	22.00
Exeter Care Center	HDM's	295.00
Fillmore County Development Corp.	Misc.	250.00
Fillmore County Hospital	Ser	25.00
Fillmore County Rural Transit	Misc	4.00
Fillmore County Treasurer	Taxes, Post, Sup	7,418.61
First Concord Group, Inc.	Insur	2,141.49
Geneva Activity & Education Dept.	Ser	90.00
Geneva Broadband, LLC	Ser, Sup	114.97
Geneva State Bank	Sup, SS	3,397.95
Geneva Super Foods	Sup	818.40
Norma Gregory	Ret	25.00
Bob Hester	Uni	35.00
Hometown Leasing	Ser	536.43
Lambert Hopken	Mile	70.00
J. F. Beaver Advertising	Sup	316.62
JEO Consulting Group, Inc.	Ser	461.29
Vicky Johnson, District Judge	Equip	98.00
Steve Julich	Uni, Post	40.74
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti	2,806.75
Stephen J. Kraviec	Ser, Post	1,710.03
Madison National Life	Insur	9.45
MailFinance	Rental	248.20
Bette Mattox Manning	Ser	120.00
Ann H. McDonald	Ret	18.00
Mel's Automotive	Ser	25.00
Microfilm Imaging Systems, Inc.	Rental	64.00
Midwest Mailing Systems, Inc.	Sup	233.00
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,653.48
Nebraska Sheriff's Association	Wksh	90.00
The Nebraska Signal	Sup, Ads	110.50
Lyndsey Pohlmeier	Mile	19.00
Postmaster	Rent	44.00
Region V Systems	Ser	165.00
Steven G. Roemmich	Uni, Meals	52.56
Saline County Sheriff Office	Boarding Prisoners	1,860.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Sup	8.00
State of Nebraska Health & Human Serv.	July Patient Care	93.00
State of Nebraska Public Health Env. Lab.	Ser	84.00
Total Funds by Hasler	Post	700.00
US Bank CPS	Sup, Meals, Post, Lodging	508.67
Brandy VanDeWalle	Mile, Meals	28.14
Verizon Wireless	Uti	454.56
Anthony Whitmore	Uni, Post	36.73
Eric Williams	Post, Meal	10.85
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,237.68
York Carpet Cleaning	Ser	384.50
Payroll	Salaries	45,723.31

**ROAD/BRIDGE FUND:**

Ace Agri Supply	Rep	22.00
Ameritas Life Insurance Corp.	Ret	1,677.82
B's Enterprises	Sup	840.00
Blue Cross Blue Shield of Nebraska	Insur	12,534.69
Dorchester Farmers Coop	Fuel	4,275.35
Geneva State Bank	SS	1,852.95
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	56.26
Jill's Sweet Shop	Misc.	18.00
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	136.01
Lichti Oil	Fuel	3,715.15
Nebraska Public Power District	Uti	432.93
NMC Exchange, LLC	Rep	1,798.10
Office Depot Credit Plan	Sup	108.95
Perennial Public Power District	Uti	59.33
US Bank CPS	Post	5.35
US Postal Service	Post, Sup	270.60
Verizon Wireless	Uti	67.24
Village of Fairmont	Uti	40.98
Windstream	Uti	145.28
Payroll	Salaries	25,296.28

<b><u>INHERITANCE TAX FUND:</u></b>		
Berggren Architects	Ser	2,531.31
<b><u>911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	172.36
Windstream	Uti	1,013.17

**CLAIMS APPROVED**

Kimbrough moved and Yates 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.

**INVENTORIES**

Mueller moved and Kimbrough 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, Kimbrough, and Cerny  
Nays: None

The Chairman declared the motion carried.

**HOSPITAL UPDATE**

Paul Utemark, CFO of the Fillmore County Hospital presented the 2010-2011 budget and gave an update regarding the hospital.

**EXTENSION OFFICE UPDATE**

Lyndsey Pohlmeier gave an update to the Board regarding the County fair, State fair, and what will be coming up in the next few months with the extension office.

**GENERAL ASSISTANCE 2010-04**

After discussion, Mueller moved and Yates seconded the motion to make a one time payment for the critical bills for general assistance application 2010-04, all bills will be submitted for payment at a Board meeting. 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.

**SIMPLIFILE AGREEMENT**

After discussion, Mueller moved and Cerny seconded the motion to allow the County Clerk to sign the agreement with Simplifile to receive electronic recording for Register of Deeds documents. 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 REVIEWS**

Informal budget reviews with Noxious Weed and Road department for 2010-2011 budgets were held. Joleen from Contryman Associates was present assisting with suggestions.

**ADJOURN**

Agenda item "Zoning regulations, policy for checking driver's license, and employee handbook" were tabled until the next board meeting. As there was no other business to come before the Board, Mueller moved and Galusha seconded the motion to adjourn until 9:25 a.m., September 14, 2010. 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.



The Fillmore County Board of Supervisors convened in open and public session at 9:25 a.m., September 14, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. Galusha was absent at 11:50 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 2:09 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the August 24, 2010 Board meeting.

#### **FEE REPORTS**

Cerny moved and Mueller seconded the motion to approve the fee reports for the month of August, 2010:

**County Clerk: \$6,192.25** (State \$3,543.85 & County \$2,648.40)  
**County Sheriff: \$1,350.94**  
**Clerk of District Court: \$604.75**

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **DRIVEWAY PERMIT**

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

Gaylen Dunse – install a new driveway on the west side of the SW ¼, Section 24-5-1, Franklin Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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

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

Windstream Nebraska, Inc. – bury communication line between Section 22 and 27-5-2, 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;

Windstream Nebraska, Inc. – bury communication line between Section 4 and 9-7-4, Bennett 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;

Nebraska Games & Parks – bury electrical line between the SW ¼ of Section 19 and the E ½, NW ¼ of Section 30-8-3, West Blue Township. Nebraska Games & Parks 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: Kimbrough, Cerny, Mueller, Galusha, Capek, Yates, and Simacek  
Nays: None

The Chairman declared the motion carried.

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

After discussion, Kimbrough moved and Yates seconded the motion to approve the agreement with the State of Nebraska regarding replacing the bridge on old Highway 81 on the north side of Geneva. 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.

#### **FLOODPLAIN IN HAMILTON TOWNSHIP**

Merle Noel was present to visit with the Board regarding his property located in Section 2 of Hamilton Township which has been placed in the floodplain. After discussion, it was decided the Merle would have Speece Lewis complete a survey to determine if his property is located in a floodplain or not. Once survey has been completed if property is located in the floodplain Merle will have further discussions with the Board.

### **BRIDGE ON HIGHWAY 6**

Joe Keenan informed the Board that the State of Nebraska will be replacing the bridge between Section 26 & 35, Grafton Township. He wanted to know if the County was aware of this and then what the County would be doing downstream. Highway Superintendent Elmer Hessheimer will research and report back to the Board at a later date.

### **BRIDGES TO BE PLACED IN ONE & SIX YEAR PLAN**

Elmer presented a list of bridges that are in the one and six year plan. After discussion, Elmer will review and inform the Board at a later date.

### **NIRMA INSURANCE**

Todd Boller, Noxious Weed Superintendent was present to discuss a letter received from NIRMA stating that the Noxious Weed Board members would not have liability coverage through the Counties insurance. After further discussions with NIRMA it has been determined that the Noxious Weed Board would be covered under the Counties NIRMA insurance.

### **MILLIGAN RURAL FIRE DISTRICT BOND**

Yates moved and Galusha seconded the motion approve the Milligan Rural Fire District bond for Henry J. Rohla beginning September 13, 2010 and ending September 13, 2012. 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.

### **VISITOR'S COMMITTEE**

Mueller moved and Simacek seconded the motion to appoint Kevin Patel to the Visitor's Committee beginning September 1, 2010 and ending May 31, 2013. 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.

### **GENEVA DOWNTOWN REVITALIZATION PROJECT**

Kyle Svec, City Administrator and Jen Olds with Southeast Nebraska Development District reviewed the downtown revitalization project phases with the Board and discussed how the matching funds work. The Board discussed putting in some lighting on the courthouse grounds which would assist the City with their matching funds. The City will have the architect design a plan for lighting in front of the courthouse and then on the east and west sides of the courthouse along with their design.

### **911 RECORDER LEASE**

Donna Mainwaring, Emergency Manager presented the lease for the new 911 recorder with questions from the County Attorney. Donna researched the questions and had answers for each.

After discussion, Yates moved and Cerny seconded the motion to approve and have County Sheriff, William Burgess sign lease documents after Donna has reviewed the questions with the County Attorney.

After further discussion, Yates and Cerny both withdrew the motion and requested that the County Attorney meet with the Board to discuss this at 1:00 p.m.

### **DISCUSSION WITH COUNTY ATTORNEY**

County Attorney, Jill Cunningham, Deputy County Attorney, Howard Ach, and Emergency Manager, Donna Mainwaring were present to discuss the questions that the County Attorney had regarding the 911 recorder lease. After discussion, the Board directed the County Attorney to contact the lease company and address her questions and have a lease ready to sign 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:**

Ace Agri Supply

Equip, Sup

450.31

September 14, 2010

Howard F. Ach	Rent, Post	3,277.52
Action Auto Supply	Sup	66.95
Adams County Sheriff	Fees	18.50
Ameritas Life Insurance Corp.	Ret	6,192.02
Jon Anderson	Uni	35.00
Aramark Uniform Services	Ser	570.88
Auto Value Parts Stores	Rep	2.01
Axis Capital, Inc.	Ser	249.00
B & J Automotive, LLC	Rep, Main	988.35
Berggren Architects	Ser	1,101.78
Black Hills Energy	Uti	20.10
Bottorf & Maser, Atty.	Ser, Mile	481.25
Bryan LGH Medical Center	Ser	1,100.00
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Central Nebraska Refrigeration, Inc.	Rep	1,130.57
Century Lumber Center	Sup, Rep	275.92
Chaney Chemical, Inc.	Sup	278.08
City of Geneva	Uti	417.50
Computer Depot	Sup	69.99
Contryman Associates, PC	Ser	5,500.00
Corner Stop	Fuel	273.99
Jill R. Cunningham	Meal	11.41
Dawg's Smokehouse Café	HDM's	143.00
Des Moines Stamp	Sup	53.00
Dick Schoenholz Real Estate & Auction Ser.	Ser	50.00
Eakes Office Plus	Sup, Equip	1,681.45
Earls Window Service	Ser	6.00
Election Workers	Misc	2,844.75
Erdkamp Motors	Main	36.00
Exeter Care Center	HDM's	265.00
Exeter Senior Center	USDA	51.87
Fairmont Aging Services	USDA	200.07
Farm & Home Publishers, LTD	Sup	1,099.00
Fillmore County Sheriff	Fees	162.28
Fillmore County Treasurer	Transfer, Sup	471,660.09
First Concord Benefits Group	Ser, Insur	2,963.86
Gambles	Sup	596.86
The Garbage Company	Ser	29.27
Geneva Broadband, LLC	Uti	99.98
Geneva Senior Center	USDA, Rent	715.01
Geneva State Bank	SS	6,653.42
Geneva State Bank – Shickley Branch	Election Rent	35.00
Geneva Welding & Supply, Inc.	Sup	13.71
Bob Hester	Uni	35.00
Hometown Leasing	Ser	431.20
Jim's Repair	Rep, Main	976.59
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Office	Ser	412.50
Kerry's Auto Repair & Service	Main	44.35
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,652.00
Kopchos Sanitation, Inc.	Ser	78.50
Lehman Reporting Services	Ser	385.80
Lichti Oil	Fuel	708.39
Harold Long Jr.	Election Set-up	20.00
Madison National Life	Insur	183.32
Elizabeth Mattox Manning	Ser	120.00
Maximus, Inc.	Ser	1,174.71
Microfilm Imaging Systems, Inc.	Ser	64.00
MIPS, Inc.	Ser	2,736.69
Brenda Motis	Mile	102.50
National Assoc. of Co. Recorders, Election Officials and Clerks	Dues	55.00
Nebraska Public Power District	Uti	2,882.67
The Nebraska Signal	Ads, Sup, Subscription	637.92
Norrie Construction	Rep	2,632.21
O'Keefe Elevator Company, Inc.	Main	228.32
Dawn Opfer	Misc	47.66
Platte Valley Communications of Hastings	Sup	124.73
Lyndsey Pohlmeier	Mile	45.00
Ralph's Geneva Tire & Service Center	Rep, Sup, Main	707.58
Steven G. Roemmich	Uni	35.00
Southeast District County Officials Assoc.	Wksh	175.00
Saline County Sheriff	Ser, Boarding Prisoners	1,878.00
Jill Schmidt	Mile	74.00
Shell Fleet Plus	Fuel	3,581.60
State of Nebraska AS Central Finance	Ser	448.00
Total Funds by Hasler	Post	700.00
UN-L IS-Telecommunications	Uti	2.88

September 14, 2010

US Bank CPS	Lodging, Meals, Fuel, Sup	1,496.73
Brandy VanDeWalle	Wksh, Mile	110.00
Village of Grafton	Election Rent, Misc	55.00
Weaver Pharmacy	Sup	153.43
Daniel L. Werner, Atty	Ser, Mile	1,661.24
Anthony Whitmore	Uni	35.00
Windstream	Uti	232.98
York County Sheriff	Ser	26.00
Payroll	Salaries	91,505.87

**ROAD/BRIDGE FUND:**

Ace Irrigation & Mfg. Co.	Sup	1,766.10
Ackland Construction, Inc.	Rep	48,733.25
All Roads Barricade, Inc.	Sup	132.62
Ameritas Life Insurance Corp.	Ret	3,383.54
Andrews Electric Co., Inc.	Rep	273.70
Auto Value Parts Stores	Parts, Sup	852.15
Black Hills Energy	Uti	60.68
Casey's General Store	Fuel	3,048.09
Century Lumber Center	Sup	193.57
City of Geneva	Uti	63.40
Corner Stop	Fuel	44.35
Donna Saltzman	Ser	35.00
Dorchester Farmers Coop	Fuel	2,817.37
Farm Plan	Parts, Rep	972.12
Fillmore County Shop – Petty Cash	Post, Parts, Sup	29.19
Filter Care of Nebraska	Parts	131.40
Gambles	Parts, Rep, Sup, Misc	377.62
Geneva Implement Co., Inc.	Parts	333.97
Geneva State Bank	SS	3,777.88
Geneva Welding & Supply, Inc.	Parts, Sup	458.00
Grafton Oil	Fuel, Main	1,254.55
Heath, Inc.	Rep	50.00
Lichti Oil	Fuel, Parts	2,593.49
Madison National Life	Insur	92.87
Mike's Radiator & Tire	Rep	165.00
MIPS, Inc.	Ser	106.56
Nebraska Iowa Industrial Fasteners	Sup	103.74
Nichols Construction	Gravel	75,135.42
Perennial Public Power	Uti	38.66
Power Plan	Parts	1,467.07
R & D Parts	Parts, Sup	58.45
Ralph's Geneva Tire & Service Center, Inc.	Sup, Rep	2,360.95
Richard Braden	Sup	10.00
Southeast District County Officials Assoc.	Wksh	50.00
Sahling Kenworth, Inc.	Parts	80.80
Shell Fleet Plus	Fuel	974.07
The Garbage Company	Ser	84.27
The Nebraska Signal	Ads	564.00
US Bank CPS	Post	15.73
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	41.62
Village of Grafton	Uti	21.07
Yant Equipment	Rep	391.90
Payroll	Salaries	51,533.62

**DEQ GRANTS – TIRE CLEANUP FUND:**

Champlin Tire Recycling, Inc.	Ser	14,787.75
Fillmore County Development Corp.	Sup	37.50
Fillmore County Historical Society	Ser	198.00
The Nebraska Signal	Ads	103.50

**INHERITANCE TAX FUND:**

JEO Consulting Group, Inc.	Ser	3,075.00
Jeff's Tree Service	Ser	2,375.00
Fillmore County Treasurer	Transfer, Misc	17,126.75
London Law Office, LLO	Ser	148.00

**HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Aug. Taxes	26,268.27
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**911 COMMUNICATIONS FUND:**

Andrews Electric Co., Inc.	Rep	64.00
Nebraska Public Power District	Uti	174.28
Platte Valley Communications of Hastings	Equip, Rep	224.95

**CLAIMS APPROVED**

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

The Chairman declared the motion carried.

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

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

Upon roll call, the vote was as follows:

The Chairman declared the resolution adopted.

After discussion, the Board will accept sealed bids at the October 12, 2010 meeting for a new minivan for the veteran's service office.

Agenda item “policy for checking employee driver’s license, employee handbook and personnel” were tabled until the next board meeting. As there was no other business to come before the Board, Simacek moved and Cerny seconded the motion to adjourn until 9:00 a.m., September 28, 2010. Upon roll call, the vote was as follows:

The Chairman declared the motion carried.

Chairman

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 1:14 p.m.

Vice Chairman of the Board, Cerny approved the minutes of the September 14, 2010 Board meeting.

Geraldine Daniels, Zoning administrator submitted a letter of resignation to the Board.

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

## FEASIBILITY STUDY

It was discussed whether the Board felt the need to start the process of a feasibility study on the current hospital. After discussion, the Board will be waiting to start the study.

Robert Schropfer – install a new 40' driveway on the east side of the NE ¼, Section 17-5-1, Franklin Township.

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

## LETTING AND PUBLIC HEARING

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

## ANNUAL REPORT

The Vice Chairman declared the motion carried.

TRAFFIC STUDY

After discussion, Mueller moved and Simacek seconded the motion to direct the Highway Superintendent to conduct a traffic study at the intersection of County Road 22 and Road G. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

HOSPITAL UPDATE

Paul Utemark, CEO of the Fillmore County Hospital informed the Board that they are still waiting to hear from the USDA as to whether or not they got the low interest funds. Mr. Utemark thought that they should hear for sure by the 30<sup>th</sup> of September. The hospital will notify the County as soon as they hear.

SAFE BIDS

Bids for the old safe were opened as advertised. One bid was received from Albert Simacek for \$26.99.

Mueller moved and Galusha seconded the motion to accept the bid from Simacek. Upon roll call, the vote was as follows:

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

The Vice 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:

Ameritas Life Insurance Corp.	Ret	3,152.75
Black Hills Energy	Uti	41.08
Blue Cross Blue Shield of Nebraska	Insur	22,681.82
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Computer Depot	Ser	32.50
Jill Cunningham	Ser, Misc	227.50
Dell Marketing, L.P.	Equip	414.99
Tim Due	Misc	25.00
Eakes Office Plus	Sup	156.33
Merlin Ehmen	Ret	22.00
Exeter Senior Center	USDA	354.48
Fairmont Aging Services	USDA	1,923.85
Fillmore County Clerk of the District Court	Fees	811.00
Fillmore County Medical Center	Ser	76.84
Fillmore County Treasurer	Meal, Misc	51.86
First Concord Benefits Group, LLC	Insur, Ser	2,517.84
Geneva Senior Center	USDA	3,064.59
Geneva State Bank	SS	3,457.03
Geneva Super Foods	Sup	496.29
Norma Gregory	Ret	25.00
Hilty's of Geneva	Sup	6.09
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Wksh, Uti	4,705.98
Stephen J. Kraviec	Ser, Post	1,707.97
Lawson Products, Inc.	Sup	277.63
Daniel A. Leggiadro PH D	Mile	72.50
Madison National Life	Insur	9.45
MailFinance	Ser	248.20
Ann H. McDonald	Ret	18.00
Milligan Towing	Ser, Mile	165.00
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Assessor's Association	Dues	50.00
Nebraska Association of County Officials	Wksh	60.00
Nebraska Public Power District	Uti	97.80
Amy Nelson	Mile	105.00
O'Keefe Elevator Company, Inc.	Main	255.00
Scott Oliva	Misc	100.00
Perennial Public Power District	Misc	149.90
Dr. Robert Quick	Mile	40.00
Region V Services	Budget request	2,952.25
Region V Systems	Budget request	11,114.00

September 28, 2010

Roy's Building & Remodeling	Rep, Ser	1,830.00
Shell Fleet Plus	Fuel	2,521.07
Southeast Nebraska Development District	Dues	7,303.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Ser	4.00
State of Nebraska Health & Human Services	Ser	93.00
TAP Publishing	Ser	528.73
Mary Tesar	Mile	70.00
Thayer County Sheriff's Office	Ser	19.00
US Bank CPS	Sup	208.45
USDA, APHIS	Budget request	3,781.00
Verizon Wireless	Uti	770.86
WEST	Subscription	253.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,323.03
Payroll	Salaries	47,456.81

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,746.13
Blue Cross Blue Shield of Nebraska	Insur	13,131.58
Cottonwood Title Company	ROW	300.00
Dorchester Farmers Coop	Fuel	2,361.90
Farm Plan	Parts, Sup	716.82
Geneva State Bank	SS	1,938.71
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	64.09
Grafton Oil	Fuel	944.00
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	54.39
Lichti Oil	Fuel	2,392.48
Medical Enterprises, Inc.	Ser	89.70
Micro – Trak Systems	Parts	82.98
Nebraska Public Power District	Uti	512.41
Newman Traffic Signs	Sup	673.31
NMC Exchange, LLC	Parts, Rep	1,026.14
Office Depot Credit Plan	Sup	156.93
Perennial Public Power District	Uti	60.47
Shickley Lumber	Sup	25.99
Speece Lewis Engineers	Ser	2,975.00
US Bank CPS	Post	20.96
Verizon Wireless	Uti	67.24
Windstream	Uti	149.77
Payroll	Salaries	26,417.35

**ECONOMIC DEVELOPMENT – TOURISM FUND:**

Mary Johnson	Mile	97.50
Fillmore County Development Corp.	Sup, Dues, Ser	346.12

**911 COMMUNICATIONS FUND:**

Windstream	Uti	1,009.66
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**CLAIMS APPROVED**

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

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

Nays: None

The Vice Chairman declared the motion carried.

**JEO CONTRACT**

After discussion, Mueller moved and Yates seconded the motion to approve the contract with JEO to review and update the Zoning regulations and the Subdivision regulations as a part of the comprehensive plan. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

**2010 EMPG APPLICATION**

After discussion, Kimbrough moved and Simacek seconded the motion to approve and sign the 2010 Emergency Management Program Grant (EMPG). Upon roll call, the vote was as follows:

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

Nays: None



The Vice Chairman declared the motion carried.

### **PUBLIC HEALTH AGREEMENT**

Kimbrough moved and Mueller seconded the motion to approve and sign the Memorandum of Understanding with Public Health Solutions District for an Automated External Defibrillator (AED) for the courthouse. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

### **MOTOR GRADER LETTING**

After discussion, Mueller moved and Yates seconded the motion to purchase two Caterpillar 12M motor graders from NMC in the amount of \$193,500.00 each. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion failed.

### **MOTOR GRADER LETTING**

Simacek moved and Galusha seconded the motion to purchase a John Deere 770G motor grader from Murphy Tractor for \$189,130.00 and a Caterpillar 12M motor grader from NMC for \$193,500.00. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion failed.

### **MOTOR GRADER LETTING**

Mueller moved and Kimbrough seconded the motion to purchase a Caterpillar 12M motor grader from NMC in the amount of \$193,500.00. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion failed.

### **MOTOR GRADER LETTING**

Kimbrough moved and Galusha seconded the motion to purchase a John Deere 770G motor grader from Murphy Tractor in the amount of \$189,130.00. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion failed.

### **MOTOR GRADER LETTING**

Simacek moved and Mueller seconded the motion to purchase two John Deere 770G motor graders from Murphy Tractor in the amount of \$189,130.00 each. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion failed.

### **MOTOR GRADER LETTING**

After further discussion, Yates moved and Mueller seconded the motion to purchase two Caterpillar 12M motor graders from NMC in the amount of \$193,500.00 each. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

### **KEYSTONE PIPELINE**

Bob Mueller informed the Board that TransCanada Keystone Pipeline is starting to purchase in Fillmore County for their project. The Board is requesting that the County Attorney research the documents that are being

presented to landowners. The Board was informed that TransCanada is having the landowner sign documents including County right-of-way.

**911 RECORDER LEASE**

County Attorney, Jill Cunningham and Deputy County Attorney, Howard Ach informed the Board that they had received answers to all of their questions as well as received a guarantee from Carmichael Business Systems, Inc.

After discussion, Yates moved and Mueller seconded the motion to approve and authorize William Burgess to sign the lease documents with Metro Leasing Company for the 911 Recorder. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

**NIRMA GRANT ASSIST PROGRAM**

Nebraska Intergovernmental Risk Management Association (NIRMA) is offering a grant assist program that would assist the County in purchasing recordable cameras for all entrances of the Courthouse and replace camera's in the jail area. After discussion, the Board agreed that it is something that needs to be researched further.

**AGING PARTNERS AGREEMENT**

After discussion, Kimbrough moved and Mueller seconded the motion to approve the amendment with Aging Partners due to a clerical error in the original agreement. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

**ADJOURN**

Agenda item "Bridge inspection agreement, STPE projects, Geosynthetics for Mitigation, policy for checking employee's driver's records, and employee handbook" were tabled until the next board meeting. As there was no other business to come before the Board, Mueller moved and Kimbrough seconded the motion to adjourn until 9:10 a.m., October 12, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman

October 7, 2010

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., October 7, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. The County Clerk was present to record the minutes of the meeting. Fillmore County Hospital CEO, Paul Utemark was present for this meeting as well.

Notice of the meeting was given by posting. 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 9:17 a.m.

#### **AIA DOCUMENT A133 – 2009**

After discussion, Cerny moved and Yates seconded the motion to approve and sign the American Institute of Architects (AIA) document A133 – 2009, the Standard Form of Agreement between Owner and Construction Manager as Constructor for the replacement hospital with Sampson Construction. 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.

#### **USDA RURAL DEVELOPMENT ATTACHMENT**

Yates moved and Mueller seconded the motion to approve and sign the USDA Rural Development Attachment #1 to the AIA Document A133-2009. 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.

#### **SUPPLEMENTARY AGREEMENT**

Mueller moved and Galusha seconded the motion to approve and sign the supplementary conditions agreement to AIA document A201-2007. 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.

#### **ADJOURN**

As there was no other business to come before the Board, Cerny moved and Kimbrough seconded the motion to adjourn until 9:10 a.m., October 12, 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.

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Attest

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Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:13 a.m., October 12, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 1:03 p.m.

**MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the September 28, 2010 Board meeting.

**FEE REPORTS**

Kimbrough moved and Cerny seconded the motion to approve the fee reports for September 2010:

**County Clerk: \$5,997.94** (State \$3,060.84 & County \$2,937.10)  
**County Sheriff: \$1,743.80**  
**Clerk of the District Court: \$871.68**

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.

**STOP SIGN ROAD 22**

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

**RESOLUTION 2010 - 34**

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:

**TYPE OF DEVICE**  
STOP sign

**LOCATION**  
at the intersection of County Roads G and 22, sign to be placed on Road 22 to stop north-bound traffic

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.

**BRIDGE INSPECTION STANDARDS**

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

**RESOLUTION 2010 - 35**

A resolution adopting and approving the execution of an agreement with the State of Nebraska, Department of Roads regarding the National Bridge Inspection Standards responsibilities.

**BE IT RESOLVED** by the County Board and Chairperson, Fillmore County, Nebraska, that:

1. The County shall enter into an agreement with the Nebraska Department of Roads for the purpose of defining responsibilities in meeting the National Bridge Inspection Standards
2. The Chairperson for the County Board is hereby authorized and directed to execute said agreement on behalf of Fillmore County, and the County Clerk is authorized to attest said execution.
3. This resolution will be marked Exhibit "A" and a copy attached to each original agreement.

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.

**BRIDGE INSPECTION AGREEMENT**

Yates moved and Mueller seconded the motion to approve the Bridge Inspection agreement with the State of Nebraska. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**PERENNIAL PUBLIC POWER AGREEMENT**

Mueller moved and Kimbrough seconded the motion to approve and sign the agreement with Perennial Public Power District to relocate five (5) poles for an estimated cost of \$6,680.24 for the project located between Sections 29-30, Glengary Township. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**1996 JOHN DEERE**

After discussion, Yates moved and Mueller seconded the motion to declare the 1996 John Deere motor grader surplus. Upon roll call, the vote was as follows:

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

Ace Ag Supply	Sup	55.50
Howard F. Ach	Rent, Post	3,279.94
Ameritas Life Insurance Corp.	Ret	3,339.36
Auto Value Parts Stores	Rep	41.46
Axis Capital, Inc.	Ser	249.00
Berggren Architects	Ser	1,532.23
Black Hills Energy	Uti	19.25
Blue Valley Community Action	Budget request, Transit	7,737.00
Bottorf & Maser, Attorney	Ser, Mile	726.25
Mary Brinkman	Wksh	50.00
Central Community College	Wksh	105.00
Century Lumber Center	Sup	11.99
Chaney Chemical, Inc.	Sup	799.55
City of Geneva	Uti	479.10
Constellation Energy	Uti	2.92
Contryman Associates, PC	Ser	1,500.00
Corner Stop	Fuel	251.53
Gaylord Craddock	Mile	51.00
Dawg's Smokehouse Café	HDM's	201.50
Dell Marketing, LP	Equip, Sup	5,106.67
Judy Dondlinger	Ser	120.00
Eakes Office Plus	Sup	1,952.33
Earls Window Service	Ser	6.00
Election Systems & Software, Inc.	Ser	930.00
ESRI, Inc.	Main	400.00
Executive Copier Services	Ser	141.33
Exeter Care Center	HDM's	275.00
Farmer & Son Funeral Homes, Inc.	Ser	2,940.00
Dorchester Farmers Coop.	Misc	54.86
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Medical Center	Ser	78.98
Fillmore County Treasurer	Transfer, Post, Wksh, Ser	158,844.35
First Concord Group, Inc.	Insur	1,494.11
Gambles	Sup	107.18
Geneva Activity & Education Dept.	Ser	50.00
Geneva Broadband, LLC	Uti	99.98
Geneva State Bank	SS	3,653.68
Geneva TV & Appliance	Sup	6.00
Geneva Welding & Supply, Inc.	Sup	11.00

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Germer, Murray & Johnson, Atty.	Ser, Mile, Post	2,531.34
Grafton Mini Mart	Fuel	79.37
Frances Heinrichs	Mile	51.00
Hilty's of Geneva	Sup	230.47
Hometown Leasing	Ser	710.75
Ronald Isley	Mile	38.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,457.00
Kopchos Sanitation, Inc.	Ser	78.50
Stephen J. Kraviec	Ser, Post	1,703.87
Lichti Oil	Fuel, Sup	275.21
Jenni Lovegrove	Ser, Mile	140.00
Lynn Peavey Company	Sup	36.40
Madison National Life	Insur	183.32
Bette Mattox Manning	Ser	144.00
Microfilm Imaging Systems, Inc.	Ser	64.00
MIPS, Inc.	Ser, Sup	2,845.27
Moses Motor Company, Inc.	Rep	1,081.98
Brenda Motis	Mile, Meals	82.99
National Association of Counties	Dues	400.00
The Nebraska Signal	Proc, Ads, Sup	2,237.93
Leonard Oldehoeft	Mile	24.00
Hannele Plettner	Meals	8.55
Lyndsey Pohlmeier	Mile	74.00
Proforma	Sup	52.95
Ralph's Geneva Tire & Service Center	Main, Rep	292.17
Ramada Inn	Lodging	140.00
Region V Services	Budget request	2,952.25
Robinson Textiles	Sup	188.68
Saline County Sheriff Office	Boarding Prisoner	1,800.00
Secretary of State Rules & Regulations	Sup	20.00
State of Nebraska AS Central Finance	Ser	448.00
Rhonda Stokebrand	Mile	478.02
UN-L IS-Telecommunications	Uti	15.84
US Bank, CPS	Sup, Meals, Lodging, Mile	426.30
Brandy VanDeWalle	Lodging, Mile, Meals	397.34
Village of Milligan	Misc	117.54
Weaver Pharmacy	Sup	227.11
Windstream	Uti	232.98
Payroll	Salaries	48,418.65

**ROAD/BRIDGE FUND:**

Ace Irrigation & Manufacturing Co.	Culverts	539.28
Action Auto Supply	Parts, Rep	189.43
Ameritas Life Insurance Corp.	Ret	1,747.61
Auto Value Parts Stores	Parts, Sup	242.96
B's Enterprises	Equip	1,060.00
Black Hills Energy	Uti	57.03
Casey's General Store	Fuel	3,070.96
Century Lumber Center	Rep, Parts, Sup	81.00
City of Geneva	Uti	57.00
Corner Stop	Fuel	217.40
Dorchester Farmers Coop	Fuel	125.74
Dultmeier Sales	Rep	68.72
Filter Care of Nebraska	Parts	105.60
Gambles	Sup	191.53
The Garbage Company	Uti	84.27
Geneva State Bank	SS	1,928.55
Geneva Welding & Supply, Inc.	Parts, Sup	83.73
Grafton Oil	Fuel, Sup	813.57
Heath Machine Shop	Rep	524.27
Lichti Oil	Fuel, Parts	6,031.07
Madison National Life	Insur	97.62
Michl Service	Fuel	139.00
MIPS, Inc.	Ser	106.56
Moses Motor Company, Inc.	Rep	58.30
Nebraska Iowa Industrial Fasteners	Sup	198.19
The Nebraska Signal	Ads	19.81
Newman Traffic Signs	Sup	266.67
Nichols Construction	Gravel	31,013.42
NMC Exchange, LLC	Parts	562.19
Overland Sand & Gravel	Gravel	7,321.92
Perennial Public Power	Uti	38.37
Power Plan	Parts	413.11
R & D Parts	Sup	143.28
R & R Services	Ser, Main	333.33
Ralph's Geneva Tire & Service Center, Inc.	Rep	22.50
Roit Repair	Rep	33.95
Shell Fleet Plus	Fuel	499.36
US Bank CPS	Post	19.82

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Village of Exeter	Uti	15.00
Village of Fairmont	Uti	17.74
Village of Grafton	Uti	21.07
Village of Milligan	Uti	25.43
Wick's Sterling Trucks, Inc.	Parts	99.64
Payroll	Salaries	26,284.71
<b><u>INHERITANCE TAX FUND:</u></b>		
JEO Consulting Group, Inc.	Ser	3,500.00
<b><u>ETHANOL PLANT ROAD FUND:</u></b>		
UMB Bank, NA	Interest	5,540.00
<b><u>HOSPITAL OPERATING FUND:</u></b>		
Fillmore County Hospital	Sept. Taxes	8,906.49
<b><u>911 COMMUNICATIONS FUND:</u></b>		
Andrews Electric Co., Inc.	Rep, Sup	1,453.75
Nick's Farm Store Co.	Rep, Sup	381.82

### CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

### MINIVAN BIDS

Bids for a new minivan were opened at 10:45 a.m. as advertised. The following bids were received:

<b><u>Bidder</u></b>	<b><u>Year/Make/Model</u></b>	<b><u>Cash Price</u></b>
Atchley Ford, Inc., Omaha, NE	2010 Ford Tansit Connect Wagon	\$19,500.00
Erdkamp Motors, Exeter, NE	2010 Dodge Grand Caravan SE	\$19,300.00
Friesen Chevrolet, Inc.	2011 Chevrolet Traverse LT	\$27,595.00

### MINIVAN LETTING

After discussion, Simacek moved and Galusha seconded the motion to purchase the 2010 Dodge Grand Caravan SE minivan from Erdkamp Motors for \$19,300.00. 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.

### HOSPITAL UPDATE

Paul Utemark, Fillmore County Hospital CEO presented a timeline of events for the replacement hospital. There will be a special meeting on October 15<sup>th</sup> regarding the acquisition of the property and then at the October 26<sup>th</sup> regular meeting will approve the bonds. Patt Lentfer and Dick Schoenholz were present for this discussion.

### HIGHWAY SUPERINTENDENT APPLICANTS

After discussion, the Board decided they would conduct interviews for the Highway Superintendent's position at their regular meeting on October 26<sup>th</sup>.

### ADJOURN

Agenda item "STPE projects, Speed Net lease, policy for checking employee's driver's records, and employee handbook" were tabled until the next board meeting. As there was no other business to come before the Board, Mueller moved and Simacek seconded the motion to adjourn until 9:10 a.m., October 26, 2010. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

Attest

Chairman

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., October 15, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Mueller, and Galusha. The County Clerk was present to record the minutes of the meeting. Fillmore County Hospital CEO, Paul Utemark was present for this meeting as well.

Notice of the meeting was given by publication. 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 9:33 a.m.

### **PUBLIC HEARING ACQUISITION OF REAL PROPERTY**

Public hearing regarding proposed acquisition of real property for the replacement hospital was opened at 9:00 as advertised. Fillmore County Hospital, CEO Paul Utemark stated the intention of the hospital to purchase this property was to construct a replacement hospital.

After discussion, Kimbrough moved and Yates seconded the motion to close the public hearing at 9:20 a.m. as no one appeared to testify for or against the acquisition of the property. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

### **ASSIGNMENT OF PURCHASE OPTIONS**

After reading of the assignments, Mueller moved and Yates seconded the motion to approve and sign the assignments of purchase options with Daniel & Amber Taylor, Richard & Beverly Braden, Howard Trenary, City of Geneva, and Geneva Acres, LLC. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

### **NOTIFICATION LETTERS**

After reading of the notice of exercise of option of purchase, Kimbrough moved and Galusha seconded the motion to approve and sign the five letters to the property owners. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

### **ACQUISITION OF PROPERTY**

After reading of resolution, Yates moved and Mueller seconded the introduction of the following resolution:

#### **RESOLUTION 2010 – 36**

We the undersigned hereby certify that we are the duly elected and acting Supervisors of the County of Fillmore, Nebraska (the "County"), and that the following is a true and exact copy of a Resolution, duly adopted by the Board of Supervisors of the County on October 15, 2010, and that said Resolution has not been rescinded, modified, or amended and is now in full force and effect, to-wit:

#### **RECITALS**

The County is a county and political subdivision created and existing under the laws of the State of Nebraska, including, without limitation, Section 22-130, Reissue Revised Statutes of Nebraska, as amended.

**WHEREAS**, it is necessary, desirable, advisable, and in the best interests of the County to acquire real property for (1) a new county hospital and (2) a medical office building to be owned by the County and operated by Fillmore County Hospital, a county hospital organized under the laws of the state of Nebraska (the "Hospital").

**WHEREAS**, the Hospital has previously entered into (i) an Option to Purchase Agreement with the City of Geneva dated July 6, 2010, (ii) an Option to Purchase Agreement with Richard Braden dated June 30, 2010, (iii) an Option to Purchase Agreement with Howard Trenary dated June 23, 2010, (iv) an Option to Purchase Agreement with Geneva Acres, LLC, dated June 22, 2010 and (v) an Option to Purchase Agreement with Daniel J. Taylor dated July 6, 2010 (collectively, the "Option Agreements") for the real property described in the Option Agreements and located in Geneva, Fillmore County, Nebraska (the "Property"); and

**WHEREAS**, in order to purchase the Property, it is necessary for the County to assume the Option Agreements, fulfill all of the Hospital's obligations under each of the Option Agreements, and exercise the options to purchase under the Option Agreements; and



**WHEREAS**, a special meeting of the Board of Supervisors of the County has been called, pursuant to written notice, as required by Section 25-2505, Reissue Revised Statutes of Nebraska, for consideration of the instant Resolution.

**NOW THEREFORE,**

**BE IT RESOLVED**, and it hereby is, that the events described in the Recitals of this Resolution of the Board of Supervisors of the County of Fillmore, Nebraska are ratified and affirmed effective as of the original dates of such events.

**BE IT RESOLVED**, and it hereby is, that County shall assume the Hospital's rights under all of the Option Agreements.

**BE IT RESOLVED**, and it hereby is, that the County shall fulfill all of the Hospital's obligations under the Option Agreements and shall exercise the options to purchase as provided in the Option Agreements.

**BE IT RESOLVED**, and it hereby is, that the County shall purchase the Property pursuant to the terms of the Option Agreements.

**BE IT FURTHER RESOLVED**, and it hereby is, that Raymond Capek, Chairman of the Board of Supervisors shall have the authority to negotiate and sign, on behalf of the County, any and all documents necessary to carry out and effectuate the transactions contemplated by the preceding resolutions and is further authorized, empowered, and directed to perform any other acts necessary or appropriate in order to implement and carry out these resolutions and their intent and purposes.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURN**

As there was no other business to come before the Board, Kimbrough moved and Yates seconded the motion to adjourn until 9:20 a.m., October 26, 2010. Upon roll call, the vote was as follows:

Ayes: 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 9:20 a.m., October 26, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, and Galusha. Cerny was absent. The County Clerk was present to record the minutes of the meeting. Susan Johnson was present for a portion of the Board meeting for the Odegeo 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 2:47 p.m.

#### **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the October 7<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup>, 2010 Board meetings.

#### **WITHDRAWING SECURITIES**

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

##### **RESOLUTION 2010 - 38**

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

CUSIP #051881AT7 in the amount of \$55,000.00

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

#### **WITHDRAWING SECURITIES**

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

##### **RESOLUTION 2010 - 39**

**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 #305288BQ4 in the amount of \$25,000.00

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

#### **HOSPITAL BONDS**

Scott Crist with UMB Bank, Lauren Wismer with Gillmore & Bell Law Office, and Paul Utemark with the Fillmore County Hospital were present for the approval of the Hospital Bonds. Paul informed the Board that the Hospital Board approved the resolution this morning. Scott informed the Board of what has been completed since the election approving the Bonds. Lauren presented the resolutions to the Board and described what was included in them.

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

##### **RESOLUTION 2010 - 40**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF (A) NOT TO EXCEED \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HOSPITAL BONDS IN ONE OR MORE SERIES AND (B) NOT TO EXCEED \$12,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HOSPITAL BOND ANTICIPATION NOTES IN ONE OR MORE SERIES TO PROVIDE FOR THE PAYMENT OF THE COSTS OF CONSTRUCTING A NEW COUNTY HOSPITAL AND MEDICAL OFFICE BUILDING; DELEGATING, AUTHORIZING AND DIRECTING THE CHAIR TO EXERCISE HIS INDEPENDENT JUDGMENT AND ABSOLUTE DISCRETION IN FIXING AND DETERMINING TERMS AND PROVISIONS OF THE BONDS AND THE NOTES; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

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

## FINDINGS AND DETERMINATIONS

The Board of Supervisors (the “**Board**”) of The County of Fillmore, Nebraska (the “**County**”) hereby finds and determines as follows:

1. The County of Fillmore, Nebraska (the “**County**”), is a county and political subdivision created and existing under the laws of the State of Nebraska (the “**State**”), including, without limitation, Section 22-130, Reissue Revised Statutes of Nebraska, as amended.

2. Pursuant to a resolution duly passed and adopted by the Board of Supervisors on June 22, 2010 (the “**Election Resolution**”), an election was duly called and held on August 10, 2010 (the “**Election**”), at which time there was submitted to the qualified electors of the County a proposition for (a) the issuance general obligation bonds of the County in an aggregate principal amount not to exceed \$18,000,000, for the purpose of paying the costs of acquiring, constructing, equipping and furnishing (1) a replacement hospital (the “**Hospital Project**”) and (2) a medical office building (the “**MOB Project**”) to be owned by the County and operated by a board of trustees pursuant to Sections 23-3501 to 23-3527, inclusive, Reissue Revised Statutes of Nebraska, as amended; and (b) the levy of an annual tax levy of taxes against all the taxable property in said County in an amount sufficient in rate and amount to pay the interest and principal of said bonds as the same become due to the extent hospital revenues are insufficient for such purposes.

3. Notice of the Election and the submission of the proposition (the “**Election Notice**”) was duly given to the qualified electors of the County more than 20 days prior to the Election by publication in the *Nebraska Signal*, a legal newspaper of general circulation within the County, for four successive weeks (five times) beginning July 7, 2010.

4. The Election was held during the times and at the places designated by the Clerk of Fillmore County, Nebraska and provided for in the Election Notice; and, at the Election, there was submitted to the qualified electors of the County the proposition to issue such bonds and levy such taxes to pay for the same in accordance with the Election Resolution and the Election Notice.

5. At the Election 1,714 ballots were cast by the qualified electors of the County, of which 1,298 ballots were cast in favor of the proposition to issue the bonds and levy the taxes, 416 ballots were cast against the proposition to issue the bonds and levy the taxes and 0 ballots were spoiled and/or rejected.

6. More than 50% of the ballots cast at the Election were in favor of the proposition to issue the bonds and levy the taxes.

7. The United States of America, Department of Agriculture – Rural Development (“**USDA**”) has agreed to purchase bonds authorized at the Election to pay a portion of the costs of the Hospital Project and the MOB Project (collectively, the “**Project**”) in an aggregate principal amount of \$12,600,000 and UMB Bank, N.A., has agreed to (a) purchase bonds authorized at the Election to pay the remaining portion of the costs of the Project in an aggregate principal amount of \$5,400,000 and (b) purchase general obligation hospital bond anticipation notes to be issued by the County in an aggregate principal amount not to exceed \$12,600,000 to provide interest financing with respect to the portion of the Project to be finance by the bond purchased by USDA.

8. There has been presented to the Board a Bond Resolution of the County entitled as follows:

**A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF (A) \$12,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HOSPITAL BOND ANTICIPATION NOTES, SERIES 2010, AND (B) \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HOSPITAL BONDS, SERIES 2010, OF THE COUNTY OF FILLMORE, NEBRASKA; PRESCRIBING THE FORM AND DETAILS OF THE NOTES AND THE BONDS; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION HOSPITAL BONDS TO PROVIDE FOR THE PAYMENT AND REDEMPTION OF THE NOTES AT OR PRIOR TO THE MATURITY THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS AS THEY BECOME DUE TO THE EXTENT NOT PAID FROM OTHER SOURCES; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

**Section 1.** The Bond Resolution in substantially the form presented to the governing body is hereby approved, adopted, ratified and affirmed, together with such changes or modifications as the Chair, the County Attorney, the Hospital and bond counsel shall approve as being in the best interests of the County.

**Section 2.** The members of the Board and the officers of the Hospital and the County or any of them, be, and hereby are, authorized and directed to take any and all action, including the execution of all papers, certificates, receipts and documents they or any of them may deem necessary or desirable to issue and deliver the County’s (a) General Obligation Hospital Bond Anticipation Notes in one or more series in an aggregate principal amount not to exceed \$12,600,000 (collectively, the “**Notes**”), and (b) General Obligation Hospital Bonds in one or more series in an aggregate principal amount not to exceed \$18,000,000 (collectively, the “**Bonds**”).

**Section 3.** The Chair is hereby authorized and directed to offer and sell the Notes and the Bonds in one or more series at a negotiated sale at one time or from time to time at a price not less than 98.00% of the principal amount thereof, which shall include an underwriting discount of not more than 1.50% of the principal amount thereof and to fix, with respect to each series of Notes and Bonds, (a) the dated date thereof, which shall not be

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later than December 31, 2010, except that any Bonds purchased by USDA may be dated later than December 31, 2010, (b) the principal amount of each series of Notes and each series of Bonds including the principal amounts of the respective serial bonds and term bonds of such series of the Bonds and the denominations thereof; provided, however that the aggregate amount of the Notes to be issued pursuant to the Bond Resolution shall not exceed \$12,600,000 and the aggregate principal amount of the Bonds to be issued pursuant to the Bond Resolution shall not exceed \$18,000,000; (c) the rate or rates of interest to be borne by each maturity of each series of the Notes and the Bonds such that the true interest cost on each series of the Notes and the Bonds (taking into account any interest payment subsidy from the federal government) shall not exceed 5.50% per annum, calculated on the basis of a 360-day year consisting of twelve 30-day months; (d) the principal amount of each series of the Bonds maturing in each year or the amount of installments of principal and interest due in each year; (e) the mandatory sinking fund redemption dates and the principal amount of each series of Bonds which shall be subject to mandatory sinking fund redemption; (f) the dates upon which each series of Bonds will be subject to redemption at the option of the County and the Redemption Price of each series of Bonds, which shall not exceed 104% of the principal amount being redeemed, and the period(s) during which each Redemption Price is applicable; (g) the final maturity date of each series of Bonds, which shall be not later than December 31, 2050, except that Bonds purchased by USDA may have a final maturity later than December 31, 2050; (h) any additional accounts or subaccounts to be established within the funds created by the Bond Resolution, (h) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the Agency in connection with authorization, issuance, sale and delivery of each series of the Notes and the Bonds, and (i) all of the other terms and provisions of each series of the Notes and the Bonds not otherwise specified or fixed by the provisions of the Bond Resolution or this Resolution.

**Section 4.** All actions heretofore taken for or on behalf of, or in the name of the County, by any of the members, officers or agents thereof or by any officers or agents of the Hospital with respect to the authorization or negotiation of the Notes and the Bonds are hereby validated, ratified and confirmed.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

#### **DRIVEWAY PERMITS**

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

Roger Brandt – install a new 40 feet driveway on the west side of the NW ¼, Section 23-7-1, Liberty Township;

B & B Ag – widen an existing driveway to 40 feet on the north side of the NE ¼, Section 18-8-2, Fairmont Township;

B & B Ag – widen an existing driveway to 40 feet on the east side of the SE ¼, Section 19-8-1, Exeter Township.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

#### **CLEAN SILT PERMITS**

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

Warren Kennel – clean silt from the ditch on the south side of the SE ¼, Section 10-5-3, Hamilton Township;

TMT Swartzendruber – clean silt from the ditch on the east side of the NE ¼, Section 30-5-3, Hamilton Township;

TMT Swartzendruber – clean silt from the ditch on the east side of the NE ¼, Section 24-5-4, Bryant Township;

TMT Swartzendruber – clean silt from the ditch on the south and east side of the S ½, Section 20-5-3, Hamilton Township;

Bob Schelkopf – clean silt from the ditch on the east side of the NE ¼, Section 36-6-4, Momence Township;

Lynn Yates – clean silt from the ditch on the north side of the NW ¼, Section 23-6-3, Stanton 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.

#### **DIESEL FUEL LETTING**

The Board agreed to have a diesel fuel letting on December 28, 2010.

**CERTIFICATE OF COMPLIANCE**

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

**RESOLUTION 2010 - 41**

The County Board of Supervisors of Fillmore County, having met on the 26<sup>th</sup> day of October, 2010, 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. C003003705.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**CERTIFICATE OF COMPLIANCE**

Mueller moved and Yates seconded the motion to approve the Certificate of Compliance requesting soft match funds for project #C-30(243), Structure No. C003003705 located on the East side of Section 36, Chelsea Township. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**STPE PROJECTS**

Paul Sheffield, Superintendent of Exeter/Milligan School and Alan Michl, Chairman of the Exeter Village were present to discuss the Surface Transportation Program Enhancement (STPE) projects that have been discussed at previous meetings. They would like to see Road 21 or Road 24 from Exeter to Milligan as the project that the County submits as the STPE project. More discussion will be held at a future meeting.

**NIMS TRAINING**

Donna Mainwaring, Emergency Manager informed the Board that the Nebraska Emergency Management Agency is putting on a class for all elected officials to be compliant with National Incident Management System (NIMS) requirements. This is a two hour class held on December 15<sup>th</sup> in Lincoln.

**NIRMA GRANT**

After discussion, the Board agreed that we would apply with NIRMA for a grant to purchase security cameras for the courthouse and jail.

**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:**

Lanny Ackerman	Mtgs, Mile	90.00
Ameritas Life Insurance Corp	Ret	3,186.24
Jon Anderson	Uni, Post	42.00
Aramark Uniform Services, Inc.	Ser	703.73
B & J Automotive, LLC	Rep	532.04
Best Western Grand Island	Lodging	44.50
Blue Cross Blue Shield of Nebraska	Insur	22,681.82
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni, Meals	72.72
Randall Capek	Mtgs	14.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Merlin Ehmen	Ret	22.00
Elite Court Reporting	Ser	405.00
Sharon Elznic	Mtgs, Mile	92.00
Erdkamp Motors	Main	36.00
Farmer & Son Funeral Home, Inc.	Ser	1,756.00
Fillmore County Court	Fees	822.78
Fillmore County Hospital	Ser	25.00
Fillmore County Treasurer	Meals, Misc	24.26
First Concord Group, Inc.	Insur	362.22
Geneva Broadband	Sup	72.99
Geneva State Bank	Sup, SS	3,526.48
Geneva Super Foods	Sup	571.39

October 26, 2010

Geneva Welding & Supply, Inc.	Sup	435.10
Norma Gregory	Ret	25.00
John Griess	Mtgs, Mile	54.00
Hall County Sheriff	Ser	22.24
Matt Harre	Mtgs, Mile	93.00
Head Start Child & Family Development	CASA budget request	8,770.00
Diane Heath	Meals	5.93
Bob Hester	Uni	35.00
Hometown Leasing	Ser	128.44
Hope Crisis Center	Budget request	2,206.00
Barb Jansen	Meals	6.41
Jim's Repair	Rep, Main	959.57
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Wksh	3,000.00
Richard Kleinschmidt	Mtgs	8.00
Lehman Reporting Services	Ser, Mile	192.90
Madison National Life	Insur	9.45
MailFinance	Ser	248.20
Maximus, Inc.	Ser	2,537.50
Ann H. McDonald	Ret	18.00
Mark Morgan	Mtgs, Mile	75.00
Morley Most	Mtgs, Mile	90.00
Rich Mueller/Thomas Biegert	Rent	650.00
Marvin Nadherny	Mtgs, Mile	54.00
Nebraska Clerk Magistrate's Assoc.	Dues	25.00
Nebraska Public Power District	Uti	2,402.81
Merle Noel	Mtgs, Mile	93.00
Reg Noel	Mtgs, Mile	61.50
Dawn Opfer	Misc.	45.52
Parade of Flags	Sup	224.00
Police Officers Association	Sup	39.00
Racom Corporation	Equip, Rep	11,886.55
Ramada Inn	Lodging	142.00
Steven G. Roemmich	Uni	35.00
Saline County Clerk	Budget request	1,000.00
Saline County Sheriff	Ser	36.00
Secretary of State Rules & Regulations	Ser	20.00
Sleuth Software	Ser	1,115.63
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Health & Human Serv.	Sept. Patient Care	120.00
State of Nebraska Office of Elevator Safety	Main	100.00
Allan Stuckey	Mtgs, Mile	108.00
Sullivan, Shoemaker, Witt & Burns PC	Ser	408.50
Regina Swartzendruber	Meals, Misc	14.00
Total Funds by Hasler	Post	700.00
Barbara L. Trapp	Meal, Misc	9.93
US Bank CPS	Meals, Mile, Lodging, Misc	1,106.02
Verizon Wireless	Uti	478.70
West Payment Center	Sup	253.00
Anthony Whitmore	Uni, Post	37.65
Tim Wilbeck	Mtgs	16.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,243.02
York County Sheriff	Ser	53.96
Payroll	Salaries	47,340.06

**ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	1,753.21
Blue Cross Blue Shield of Nebraska	Insur	13,131.58
Dorchester Framers Coop	Fuel	1,308.06
Farm Plan	Parts	1,697.90
Geneva State Bank	SS	1,960.70
Geneva Super Foods	Sup	19.80
Ralph Gould	Ret	18.00
Grafton Mini Mart	Fuel	67.20
Heath, Inc.	Rep	50.00
Donovan Jirkovsky	Ret	25.00
Kabredlo's Inc.	Fuel	61.03
Lichti Oil	Fuel	1,177.31
Nebraska Public Power	Uti	407.46
Perennial Public Power	Uti	61.53
Speece Lewis Engineers	Ser	390.25
Verizon Wireless	Uti	67.14
Village of Ohiowa	Uti	20.00
Village of Shickley	Uti	439.91
Windstream	Uti	145.60
Payroll	Salaries	26,705.08

**INHERITANCE TAX FUND:**

		October 26, 2010
Erdkamp Motors, Inc.	Equip	19,300.00
Fillmore County Treasurer	Loan	26,000.00
<b><u>911 WIRELESS COMMUNICATIONS FUND:</u></b>		
Metro Leasing Company	Ser	794.89
<b><u>COURTHOUSE BOND FUND:</u></b>		
UMB Bank, NA	Principal, Interest	86,426.25
<b><u>ROAD BOND FUND:</u></b>		
UMB Bank, NA	Principal, Interest	82,766.25
<b><u>911 COMMUNICATIONS FUND:</u></b>		
Nebraska Public Power District	Uti	152.14
Windstream	Uti	1,125.48

#### **CLAIMS APPROVED**

Mueller moved and Simacek 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.

#### **MAXIMUS COST ALLOCATION PLAN**

Kimbrough moved and Galusha seconded the motion to approve and sign the certification of cost allocation plan with Maximus. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **WIND ENERGY PRESENTATION**

Jesus Martin, Jennifer Korgie, Jose Espinosa, and Kinsley Johnson with Green Capital Power gave a presentation to the Board regarding their new company and wind energy.

#### **GENERAL ASSISTANCE #2010-05**

After discussion, Mueller moved and Yates seconded the motion to deny general assistance application #2010-05 due to general assistance being the last resort and income requirements. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

#### **HIGHWAY SUPERINTENDENT INTERVIEWS**

The Board interviewed applicant #1 and will interview applicant #2 on November 1<sup>st</sup> at 1:00 due to illness.

#### **ADJOURN**

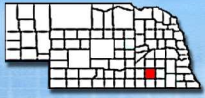
Agenda item "County Burial policy & procedures" was tabled until the next board meeting. As there was no other business to come before the Board, Kimbrough moved and Simacek seconded the motion to adjourn until 9:10 a.m., November 9, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman



# Fillmore County Board Minutes



Special Mtg. November 1, 2010

The Fillmore County Board of Supervisors convened in open and public session at 1:00 p.m., November 1, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, and Galusha. Cerny was absent. The County Clerk was present to record the minutes of the 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 2:15 p.m.

## **HIGHWAY SUPERINTENDENT APPLICANT**

Board members interviewed the seconded applicant. Further discussion will be held at the November 9, 2010 regular meeting.

## **ADJOURN**

As there were was no other business to come before the Board, Yates moved and Simacek seconded the motion to adjourn until 9:10 a.m., November 9, 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.

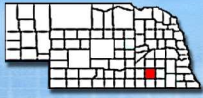
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Attest

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Chairman





# Fillmore County Board Minutes



November 9, 2010

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., November 9, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. 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 11:38 a.m.

## MINUTES APPROVED

Chairman of the Board, Capek approved the minutes of the October 26<sup>th</sup> and November 1, 2010 Board meetings.

## FEE REPORTS

Yates moved and Simacek seconded the motion to approve the fee reports for the month of October 2010:

**Clerk: \$7,287.42** (State \$4,194.87 & County \$3,092.55)

**Sheriff: \$1,529.20**

**Clerk of District Court: \$618.17**

Upon roll call, the vote was as follows:

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

Nays: None                      Absent: Galusha

The Chairman declared the motion carried.

## DRIVEWAY PERMITS

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

Dorothy Bauer – widen an existing driveway to 40 feet on the east side of the NE ¼, Section 19-7-4, Bennett Township;

Galen Kuska – install a new 40 feet driveway on the east side of the SE ¼, Section 10-7-1, Liberty 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 PERMITS

Mueller moved and Cerny seconded the motion to approve the following applications for clean silt permits:

John Anderson – clean silt for the road ditch on the east side of the SE ¼, Section 6-7-2, Madison Township;

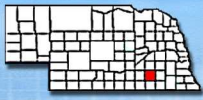
Swartzendruber Farms – clean silt for the road ditch on the east side of the SE ¼, Section 25-5-4, Bryant Township;

Swartzendruber Farms – clean silt for the road ditch on the west side of the NW ¼, Section 16-5-3, Hamilton Township;

Jerry Engle – clean silt for the road ditch on the south side of the SE ¼, Section 15-6-2, Chelsea Township.

Upon roll call, the vote was as follows:

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



# Fillmore County Board Minutes



November 9, 2010

Nays: None

The Chairman declared the motion carried.

## OCCUPY COUNTY RIGHT-OF-WAY PERMIT

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

Windstream Nebraska, Inc. – bury communication line between Section 10 and Section 15-8-1, Exeter Township. Windstream Nebraska, Inc. agrees to cooperate fully with the officials of Fillmore County and will keep them fully and immediately 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.

## SURFACE TRANSPORTATION PROGRAM ENHANCEMENT

Paul Sheffield and Allen Michl were present for the discussion regarding Surface Transportation Program Enhancement (STPE) projects. Paul and Allen informed the Board that they would like to see the project benefit all residents of the County. After discussion, the Board will discuss further at a future meeting.

## INDIAN CREEK PUBLIC HEARING

Indian Creek public hearing was opened at 9:45 a.m. as advertised. Bob Bettger, Allen Michl, and Paul Sheffield were present for the discussion during the hearing. Bob Bettger spoke regarding the bridge structure on Road B, between Section 3 and 10, Fairmont Township. Hearing was closed at 10:07 a.m. Further discussion on these three structures will be included in the one and six year plan.

## SPEED NET

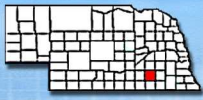
Jeff Huitema with Speed Net inquired about leasing space on the 911 tower. After discussion, Jeff decided that it would not be beneficial for his firm to lease space from Fillmore County.

## CLAIMS

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

### GENERAL FUND:

Howard F. Ach	Rent, Post	3,265.79
Ameritas Life Insurance Corp.	Ret	3,169.37
Axis Capital, Inc.	Ser	249.00
B & J Automotive, LLC	Main	39.85
Chara Bauld	Ser, Mile	55.00
Dr. Jason Bepalec	Ser, Mile	20.00
Black Hills Energy	Uti	58.25
Todd Boller	Post	8.80
Bottorf & Maser, Atty	Ser, Mile	275.00
Century Lumber Center	Sup	3.99
Chaney Chemical, Inc.	Sup	1,320.00
City of Geneva	Rent, Uti	479.10
City of York	RAP grant	3,317.00
Computer Depot	Sup	69.99

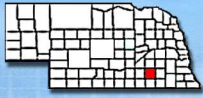


# Fillmore County Board Minutes



November 9, 2010

Constellation Energy	Uti	3.65
Corner Stop	Fuel	260.79
Dawg's Smokehouse Café	HDM's	460.00
Dell Marketing, LP	Equip	287.25
Judy Dondlinger	Ser	156.00
Dugan Business Forms	Sup	624.92
Eakes Office Plus	Sup	332.18
Earls Window Service	Ser	6.00
Executive Copier Service	Ser	62.98
Exeter Care Center	HDM's	290.00
Dr. Megan Faltys	Ser, Mile	160.00
Fillmore County Hospital	Ser	2,578.53
Fillmore County Medical Center	Ser	60.00
Fillmore County Transit	Ser	45.00
Fillmore County Treasurer	Oct. Taxes	7,907.33
First Concord Benefits Group	Insur, Ser	2,921.11
Geneva Senior Center	Rent	70.00
Geneva State Bank	SS	3,384.07
Geneva TV & Appliance Center	Equip	79.00
Geneva Welding & Supply, Inc.	Equip, Sup	641.11
Grafton Mini Mart	Fuel	20.55
Hilty's of Geneva	Sup	272.43
Hometown Leasing	Ser	839.19
Jill's Sweet Shop	Meals	103.74
Kerry's Auto Repair & Service	Main, Rep	185.70
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,062.00
Kopchos Sanitation, Inc.	Ser	78.50
Stephen J. Kraviec	Ser, Post	1,730.45
Lancaster County Sheriff	Ser	38.12
Lehman Reporting Services	Ser, Mile	192.90
Lichti Oil	Fuel	193.80
Jennifer Lovegrove	Ser	146.30
Madison National Life	Insur	220.57
Jane Meyer	Ser, Mile	55.00
Microfilm Imaging Systems, Inc.	Ser	64.00
Mid-American Research Chemical	Sup	995.40
MIPS, Inc.	Ser	2,737.69
Moore Wallace	Sup	53.49
Brenda Motis	Mile	186.50
Nebraska Association of County Officials	Wksh	150.00
The Nebraska Signal	Pro, Sup, Ads	3,061.60
Nebraska Weed Control Association	Dues	131.00
Nick's Farm Store Co.	Rep	88.52
Joyce Oeltjen	Ser	20.00
Platte Valley Communications	Rep	120.25
Lyndsey Pohlmeier	Mile	28.00
Proforma	Sup	185.84
Ralph's Geneva Tire & Service Center, Inc.	Tires, Main, Rep	592.45
Seiler & Parker, PC	Ser, Mile	439.50
Shell Fleet Plus	Fuel	2,607.44
State of Nebraska AS Central Finance	Ser	448.00
Justin Stewart	Ser	20.00
University of Nebraska – Lincoln	Ser	2,091.94
UN-L IS-Telecommunications	Uti	2.50
US Bank CPS	Equip, Meal, Sup, Lodging	437.05
Daniel L. Werner, Atty.	Ser, Mile	1,030.45
Windstream	Uti	231.19
Jury Fees	Ser	2,493.00
Payroll	Salaries	46,502.70



# Fillmore County Board Minutes



November 9, 2010

## **ROAD/BRIDGE FUND:**

Action Auto Supply	Parts, Rep	7.20
Ameritas Life Insurance Corp.	Ret	1,803.21
Auto Value Parts Stores	Parts, Sup	938.13
Black Hills Energy	Uti	54.89
C & C Extinguisher Service	Equip	182.50
Casey's General Store	Fuel	448.75
Century Lumber Center	Rep, Sup, Parts	92.54
Chaney Chemical, Inc.	Sup	169.80
City of Geneva	Uti	60.20
Conney Safety Products	Equip	763.78
Dorchester Farmers Coop	Fuel	3,159.45
Filter Care of Nebraska	Parts	109.40
Friesen Chevrolet, Inc.	Parts	150.91
The Garbage Company	Ser	84.27
Geneva Implement Co., Inc.	Parts	137.06
Geneva State Bank	SS	1,961.41
Geneva Welding & Supply, Inc.	Parts, Equip	533.32
Grafton Oil	Fuel, Sup	1,575.91
Graham Tire, Grand Island	Tires, Rep	485.56
Heath, Inc.	Rep	60.00
Jill's Sweet Shop	Misc.	22.50
Lichti Oil	Parts, Equip, Sup, Fuel	6,801.90
Madison National Life	Insur	97.62
MIPS, Inc.	Ser	106.56
Momar, Inc.	Sup	175.76
Nebraska Iowa Industrial Fasteners	Sup	103.79
Newman Traffic Signs	Sup	619.54
Nichols Construction	Gravel	39,629.67
Nick's Farm Store	Rep	81.08
Perennial Public Power	Uti	38.26
Platte Valley Communications	Equip	963.90
Power Plan	Parts	788.48
R & D Parts	Sup	184.68
Ralph's Geneva Tire & Service Center, Inc.	Tires, Rep	2,660.31
Roit Repair	Rep	122.88
Shell Fleet Plus	Fuel	1,630.51
US Bank CPS	Post, Equip	586.62
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Zep Manufacturing	Sup	192.59
Payroll	Salaries	26,714.24

## **INHERITANCE TAX FUND:**

Plains Tree Farm, Inc.	Trees	3,200.00
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## **HOSPITAL OPERATING FUND:**

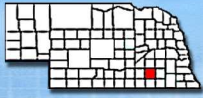
Fillmore County Hospital	Oct. Taxes	452.00
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## **CLAIMS APPROVED**

Simacek moved and Kimbrough 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.



# Fillmore County Board Minutes



November 9, 2010

## **GENERAL ASSISTANCE #2010-06**

After discussion, Kimbrough moved and Mueller seconded the motion to deny general assistance applicant #2010-06. 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.

## **HIGHWAY SUPERINTENDENT POSITION**

After discussion, Yates moved and Kimbrough seconded the motion to offer the Highway Superintendent position to applicant #1 starting around December 1, 2010 at \$42,000.00 per year with benefits with evaluation in 90 days. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## **SURPLUS**

Mueller moved and Simacek seconded the motion to declare the 2002 Crown Victoria surplus. 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.

## **ADJOURN**

As there was no other business to come before the Board, Yates moved and Kimbrough seconded the motion to adjourn until 9:00 a.m., November 23, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

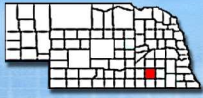
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Attest

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Chairman





# Fillmore County Board Minutes



November 23, 2010

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., November 23, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. Simacek was absent at 12:15 p.m. The County Clerk was present to record the minutes of the meeting. Patt Lentfer, Alan Michl and Paul Sheffield were present for portions of the Board 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 2:08 p.m.

## **MINUTES APPROVED**

Chairman of the Board, Capek approved the minutes of the November 9, 2010 Board meeting.

## **TOWER/CLOCK PROJECT UPDATE**

Wim Kersten with Berggren Architects informed the Board that they had received two bids for the clock portion of the project. They are from City Clock Co. in Lincoln for \$13,312.00 and Verdin Company of Ohio for \$22,990.00. Berggren will start the bid process for the shingle replacement portion of the tower project. Both the shingle replacement and the clock restoration project will have a start date of April 1<sup>st</sup>.

## **SURVEYOR BIDS**

Tom Krueger with JEO Consulting Group informed the Board of what markers he uses when he is marking corners for the County. Tom also submitted a new contract to be the County's surveyor which will be discussed at the December 14<sup>th</sup> Board meeting.

Olsson Associates also submitted a bid to be the County Surveyor; this will also be reviewed at the December 14<sup>th</sup> meeting.

## **DRIVEWAY PERMITS**

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

Edna A. Capek – widen an existing driveway to 40 feet on the east side of the SE ¼, Section 21-6-1, Glengary Township,

Nebrana Farm, Inc. – replace an existing driveway on the west side of the NW ¼, Section 6-5-3, Hamilton Township;

Jeannine Fehr – widen an existing driveway to 40 feet on the north side of the NW ¼, Section 18-8-4, Grafton Township;

Marla Heinrichs – install a new driveway to 40 feet on the south side of the SW ¼, Section 16-6-4, Momence Township;

Leonard Sluka – install a new driveway to 40 feet on the south side of the SW ¼, Section 18-6-1, Glengary Township.

Upon roll call, the vote was as follows:

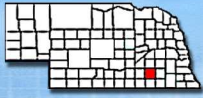
Ayes: Yates, Simacek, Kimbrough, Cerny, Mueller, Galusha, and Capek

Nays: None

The Chairman declared the motion carried.

## **CLEAN SILT PERMITS**

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



# Fillmore County Board Minutes



November 23, 2010

Denise Thornburg and Deborah K. Nun – clean silt from the south side of the SE ¼, Section 25-5-2, Belle Prairie Township;

R & M Farms – clean silt from the ditch on the north side of the NW ¼, Section 19-6-3, 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 PERMIT

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

Jon & Karen Lichti – install an electric line between the SW ¼, Section 36-6-4, Momence Township and the NW ¼, Section 1-5-4, Bryant Township. The owner agrees to cooperate fully with the officials of Fillmore County and will keep them fully and immediately informed of all construction or maintenance work required.

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.

## FRANKLIN TOWNSHIP

After discussion, Kimbrough moved and Yates seconded the motion to approve the interlocal agreement with Franklin Township to maintain their roads beginning November 23, 2010 and ending June 30, 2011. Gaylen Dunse was present for this discussion. Upon roll call, the vote was as follows:

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

Nays: None                      Abstaining: Simacek

The Chairman declared the motion carried.

## TRAPPING IN COUNTY RIGHT OF WAY

Jed Sharkey requested that the Board allow trapping in the county right of way. After discussion, the Board requested that Elmer come up with a permit for this and then the Board will discuss this at the December 14<sup>th</sup> Board meeting.

## SURFACE TRANSPORTATION PROGRAM ENHANCEMENT

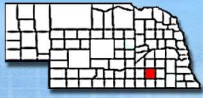
Paul Sheffield and Allen Michl were present for the discussion regarding Surface Transportation Program Enhancement (STPE) projects. Paul and Alan informed the Board that they would like to see the project benefit all residents of the County. After discussion, the Board will discuss further at the December 14<sup>th</sup> meeting.

## COUNTY FLAGS

Joan Ackland, County Assessor informed the Board that she has been trying to locate a company to make additional County flags. At this time she has not found a company. After discussion, the Board gave her a couple of other names to try.

## PUBLIC HEARING FOR PIPELINE

TransCanada pipeline public hearing was opened at 11:00 a.m. as advertised. Tracy Calhoun, Bud Anderson, Lee Hamann, Paul Fuhrer, and Butch Wallace with TransCanada were present to address any questions during the public



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hearing. Also present for the hearing were Donna Mainwaring, Jerri Daniels, Eric Milton, Patt Lentfer, Tom Novak, Mel Taylor, Dave Bristol, Bill Burgess, Joan Ackland, Steve Neujahr, and Augustus Brown Jr. Several questions were asked from the board as well as from those attending.

After discussion, Yates moved and Cerny seconded the motion to close the public hearing at 12:06 p.m. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## SPECIAL USE PERMITS

Kimbrough moved and Mueller seconded the motion to approve the three different special use permits discussed at the public hearing. They are for the following locations: a temporary Construction Contractor Yard in the SE  $\frac{1}{4}$ , Section 35-7-1, Liberty Township, a temporary Construction Pipe Yard in the SW  $\frac{1}{4}$ , Section 36-8-2, Fairmont Township, and to build, maintain, and operate a pump station for the transportation of crude oil and other hydrocarbons in the NE  $\frac{1}{4}$ , Section 31-8-1, Exeter 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.

## FILLMORE COUNTY PUMP STATION (PS-25) SUBDIVISION

Simacek moved and Yates seconded the motion to approve the Fillmore County Pump Station (PS-25) Subdivision located in the NE  $\frac{1}{4}$ , of Section 31-8-1, Exeter Township as submitted by TransCanada.

Described as that part of the Northeast Quarter of Section 31, Township 8 North, Range 1 West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska more particularly described as: beginning at the northwest corner of said Northeast Quarter; thence North 89 degrees 08 minutes 26 seconds East along the north line of the said Northeast Quarter, a distance of 700.22 feet; thence South 01 degree 06 minutes 59 seconds East, a distance of 501.20 feet; thence South 89 degrees 08 minutes 26 seconds West, a distance of 700.22 feet to the west line of said Northeast Quarter; thence North 01 degree 06 minutes 59 seconds West along said west line, a distance of 501.20 feet to the point of beginning. Subject to easements and restrictions, recorded or unrecorded, if any. Containing 8.05 acres more or less.

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.

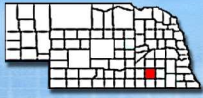
## CLAIMS

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's Office	Ser	18.50
Ameritas Life Insurance Corp.	Ret	3,205.91
AmSan	Sup	553.00
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	572.30
Bear Graphics, Inc.	Sup	172.32



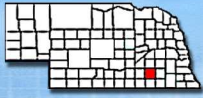


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Joseph Bixby, DR	Ser	598.50
Blue Cross Blue Shield of Nebraska	Insur	22,681.82
Bottorf & Maser, Atty.	Ser, Mile	155.00
Brad Elting and Company, Inc.	Ser	150.00
William L. Burgess	Uni	35.00
Business World Products	Sup	57.74
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
CISDA/New Beginnings	Budget request	1,500.00
City of Geneva	Rent	484.00
Dakota Security Systems, Inc.	Equip	157.00
Eakes Office Plus	Sup	136.32
Merlin Ehmen	Ret	22.00
Exeter Senior Center	USDA, Misc.	308.73
Fairmont Aging Services	USDA, Misc.	1,962.71
Farmer & Son Funeral Home, Inc.	Ser	1,885.00
Fillmore County Sheriff	Fees	657.42
Fillmore County Treasurer	Interest, Meals, Sup	148.29
First Concord Group, Inc.	Insur	1,389.76
Gambles	Sup, Misc.	173.96
Norma Gregory	Ret	25.00
Geneva Broadband, LLC	Ser, Sup	119.97
Geneva Senior Center	USDA, Misc.	3,129.76
Geneva State Bank	SS	3,433.28
Geneva State Bank – Shickley	Rent	35.00
Geneva Super Foods	Sup	698.49
Bob Hester	Uni	35.00
Hillyard	Sup	63.98
Steve Julich	Uni, Misc.	38.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post	2,758.68
Harold Long Jr.	Misc	20.00
Madison National Life	Insur	2.25
MailFinance	Equip	248.20
Elizabeth Mattox Manning	Ser	156.00
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Ser	150.00
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Association of County Officials	Wksh	1,200.00
Nebraska Public Power District	Uti	921.77
Pathology Medical Services	Ser	92.23
Patrice's Specialties, LLC	Sup	105.00
Proforma	Uni	65.98
Region V Systems	Ser	2,178.00
Steven G. Roemmich	Uni	35.00
Saline County Sheriff Office	Boarding Prisoners	3,540.00
Spencer Fane Britt & Browne, LLP	Ser	575.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Sup	4.00
State of Nebraska Health & Human Services	Oct. Patient Care	687.00
Total Funds by Hasler	Post	700.00
US Bank CPS	Post, Meals, Sup	216.50
Brandy VanDeWalle	Lodging, Wksh, Mile, Meals	265.11
Carroll Verhage, MD	Ser	206.00
Verizon Wireless	Uti	477.88
Village of Grafton	Rent, Misc.	55.00
Weaver Pharmacy	Sup	717.94
Anthony Whitmore	Uni	35.00
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,236.07



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York County Sheriff	Ser	26.50
Election Workers	Salaries	6,017.70
Payroll	Salaries	47,145.96

## **ROAD/BRIDGE FUND:**

Ameritas Life Insurance Corp.	Ret	2,701.39
Blue Cross Blue Shield of Nebraska	Insur	13,131.58
B's Enterprises	Parts	1,920.00
Conney Safety Parts	Equip	118.74
Dorchester Farmers Coop	Fuel, Rep	1,732.01
Fillmore County Treasurer	Post, Misc	31.41
Geneva State Bank	SS	1,959.22
Ralph Gould	Ret	18.00
Grafton Oil	Fuel	1,173.95
Donovan Jirkovsky	Ret	25.00
Lauber Bros. LLP	Easement	25.00
Evelyn Lauber Partnership	ROW, Easement	1,420.00
M & B Business Machine Service	Ser	362.50
Nebraska Association of County Officials	Wksh	240.00
Nebraska Public Power District	Uti	208.11
NMC Exchange, LLC	Parts	884.43
Russell W. Nun & Barbara Nun	Fencing	2,280.00
Office Depot Credit Plan	Sup	130.94
Roit Repair	Rep	70.43
Dorothy Stych	ROW, Fencing	1,667.00
US Bank CPS	Post	15.00
Verizon Wireless	Uti	67.14
Village of Fairmont	Uti	17.47
Maria Waring, Anne Margaret & William R. McCracken, Helen Alexandra & Jeffrey P. Johnson	ROW, Fencing, Easement	2,532.00
Windstream	Uti	143.68
Betty Jo Zengerle	ROW	356.07
Payroll	Salaries	26,685.67

## **INHERITANCE TAX FUND:**

JEO Consulting Group, Inc.	Ser	3,675.00
NMC Exchange, LLC	Equip	193,500.00

## **911 WIRELESS FUND:**

Fillmore County Treasurer	Ser	1,589.78
Metro Leasing Company	Ser	794.89

## **E911 COMMUNICATIONS FUND:**

APCO International, Inc.	Dues	92.00
Nebraska Public Power District	Uti	117.94
Windstream	Uti	1,003.64

## **CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

## **U. S. CELLULAR TOWER**



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Jerry Carpenter representing U. S. Cellular informed the Board that they would like to install a new cell tower in the SW ¼, Section 24-8-2, Fairmont Township. After discussion, the Planning Commission will hold a hearing on December 20<sup>th</sup> and the Board will have one on December 28<sup>th</sup> to approve the tower.

## EMERGENCY MANAGEMENT UPDATE

Donna Mainwaring, Emergency Manager informed the Board that she will be receiving pillows, blankets, and cots from the Red Cross that will allow Fillmore County to set up a temporary shelter. Need to find a storage location for this equipment that is clean and dry. Donna informed the Board that she had contacted two storage facilities in town and what the cost was. She also looked into the purchasing a storage shed. After discussion, will check with the Extension office and other options, she will report back to the board.

Donna also informed the Board that there are four different Federal/State communication projects that will require new equipment to be placed on our 911 tower.

## RURAL APPREHENSION PROGRAM

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

### RESOLUTION 2010-42

**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 21 #10-DA-313); 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 2010-2011 grant period (RAP 21) will be \$3,317.00 (2000 census 6,634 x \$0.50)

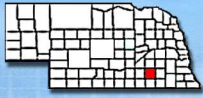
Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

## SURPLUS VEHICLE



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After discussion, Mueller moved and Cerny seconded the motion to donate the 2001 Crown Victoria car to the City of Geneva to use as a courtesy vehicle. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## ADJOURN

Agenda items "Down Payment Assistance Contract, SENDD Contract, and Subrecipient Agreement with FCDC" were tabled to a future meeting. As there was no other business to come before the Board, Mueller moved and Yates seconded the motion to adjourn until 9:10 a.m., December 14, 2010. Upon roll call, the vote was as follows:

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

Nays: None                      Absent: Galusha

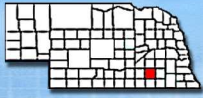
The Chairman declared the motion carried.

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Attest

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Chairman



# Fillmore County Board Minutes



December 14, 2010

The Fillmore County Board of Supervisors convened in open and public session at 9:08 a.m., December 14, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. The County Clerk was present to record the minutes of the meeting. Todd Boller, Kim Slezak, and Mary Johnson with the Odegeo – Leadership for Fillmore County were present for portions of the meeting. Also attending portions of the Board meeting were Jed Sharkey, Leesa Bartu, Merle Noel, Tim Pribyl, Alan Michl and Eric Milton.

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 1:55 p.m.

## MINUTES APPROVED

Chairman of the Board, Capek approved the minutes of the November 23, 2010 Board meeting.

## FEE REPORTS

Kimbrough moved and Yates seconded the motion to approve the following fee reports for the month of November 2010:

**Clerk: \$7,016.92** (State \$3,682.11 & County \$3,334.81)  
**Clerk of District Court: \$324.40**  
**Sheriff: \$2,448.78**

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.

## TRAILBLAZER RC & D

Steve Meyer with Trailblazer RC & D presented the 2010 annual report to the Board. He also informed the Board of all the projects that RC & D completed in Fillmore County.

## DRIVEWAY PERMITS

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

Fillmore County Hospital – install a new driveway on the south side of the SE ¼, Section 31-7-2, Madison Township;  
Marvin Nadherny – extend existing driveway to 40' on the north side of the NW ¼, Section 34-6-1, Glengary Township;  
Judy Dondlinger – extend existing driveway to 40' of the north side of the NE ¼, Section 18-6-4, Momence Township;  
Doane College – install a new driveway on the east side of the NE ¼, Section 33-8-3, West Blue Township;  
Allen Huber – install a new driveway on the west side of the SW ¼, Section 31-8-4, Grafton Township.

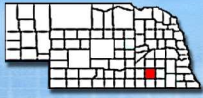
Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## CLEAN SILT PERMIT





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After discussion, Yates moved and Mueller seconded the motion to approve the following clean silt permit with the approval of the Highway Superintendent:

William F. Cudaback – clean silt along the west side of the NW ¼, Section 24-8-2, Fairmont Township

Upon roll call, the vote was as follows:

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

Nays: None

Absent: Galusha

The Chairman declared the motion carried.

## CLEAN SILT PERMITS

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

Geneva Implement – clean silt along east side of the NE ¼, Section 2-7-2, Madison Township;

Troy Otte – clean silt along the west side of the NW ¼, Section 17 & 16-7-4, Bennett Township;

Patricia Lujett – clean silt along the east side of the SE ¼, Section 7 & 8-6-3, Stanton Township;

Doane College – clean silt along the east side of Section 33 & 34-8-3, West Blue 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.

## 2011 CONSULTANT AGREEMENT

After discussion, Cerny moved and Mueller seconded the motion to approve the 2011 Consultant Agreement with Speece Lewis beginning January 1, 2011 and ending December 31, 2011. Upon roll call, the vote was as follows:

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

Nays: None

Absent: Simacek

The Chairman declared the motion carried.

## FLOODPLAIN PERMIT FOR GENEVA NORTHWEST PROJECT

Mueller moved and Yates seconded the motion to approve the floodplain permit for Project #FIM-30(360) located between Section 21, 22, 27, and 28-7-3, Geneva Township. Project will replace a single 10' x 4' x 60' concrete box culvert with twin 10' x 8' x 102' concrete box culvert, grading, erosion control, and seeding. Upon roll call, the vote was as follows:

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

Nays: None

Absent: Simacek

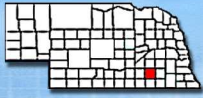
The Chairman declared the motion carried.

## CONCRETE BOX CULVERT BIDS

Bids for the following concrete box culvert projects C-30 (360), Geneva Township and C-30 (203), Glengary Township were opened at 9:45 a.m. as advertised. Tim Farmer with Speece Lewis Engineers was present while opening the bids. Ed Ferrerra, Riley Peterson, Jessica Buhl, Dave Wilke, Tim Van Kirk, and Corey Woods were also present for this discussion. The following bids were received:

**Bidder on project C-30 (360)**

**Price**



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GUS Construction Co., Inc., Casey, IA	\$277,104.50
Van Kirk Bros. Contracting, Sutton, NE	\$209,913.51
Wilke Contracting, Kearney, NE	\$197,282.11
TCW Construction, Inc., Lincoln, NE	\$230,922.15
Stephens & Smith Construction, Lincoln, NE	\$210,311.36
Collins Contracting Co., Inc., Wahoo, NE	\$193,469.50
Dobson Brothers Construction, Lincoln, NE	\$236,027.25
A & R Construction Co., Plainview, NE	\$197,636.09

## **Bidder on project C-30 (203)**

	<b><u>Price</u></b>
GUS Construction Co., Inc., Casey, IA	\$117,839.05
Van Kirk Bros. Contracting, Sutton, NE	\$104,448.20
Wilke Contracting, Kearney, NE	\$ 99,204.76
TCW Construction, Inc., Lincoln, NE	\$102,553.42
Stephens & Smith Construction, Lincoln, NE	\$101,872.47
Collins Contracting Co., Inc., Wahoo, NE	\$ 94,110.99
Dobson Brothers Construction, Lincoln, NE	\$125,605.10
A & R Construction Co., Plainview, NE	\$ 97,953.79

## **HORSEBACK RIDING SIGNS**

Jackie Wilkins, J Bar D Ranch owner requested that the Board place horseback riding signs on R Street and 13<sup>th</sup> Street. After discussion, the Board directed Jackie to address the City of Geneva regarding this issue and report back to the Board.

## **TRAPPING IN COUNTY RIGHT OF WAY**

Jed Sharkey requested that the Board allow trapping in the county right of way at the last Board meeting.

After discussion, Simacek moved and Cerny seconded the motion to allow trapping in the County ROW following the permit guidelines from the County Attorney. Upon roll call, the vote was as follows:

Ayes: Cerny and Mueller

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

The Chairman declared the motion failed.

## **CONCRETE BOX LETTINGS**

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, Yates moved and Kimbrough seconded the motion to accept Collins Contracting Co., Inc., Wahoo, Nebraska on both projects C-30 (360) for \$193,469.50 and C-30 (203) for \$94,110.99. Upon roll call, the vote was as follows:

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

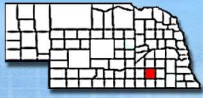
Nays: None

The Chairman declared the motion carried.

## **SURFACE TRANSPORTATION PROGRAM ENHANCEMENT PROJECT**

Tim Pribyl, Lisa Bartu, and Kim Slezak all commented on the project that it would be good for Fillmore County. Tim suggested using Road 24 instead for emergency vehicles that would be traveling from Milligan to Friend Hospital.

After discussion, Mueller moved and Simacek seconded the motion to apply for the Surface Transportation Program Enhancement Project (STPE) to pave Road 21 from Highway 6 to Highway 74. Upon roll call, the vote was as follows:



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Ayes: Mueller, Capek, and Yates

Nays: Galusha, Simacek, and Cerny

Abstaining: Kimbrough

The Chairman declared the motion failed.

## **SURVEY RESULTS**

Tim Farmer with Speece Lewis Engineers informed the Board that they have completed the survey on Merle Noel's property. After review it appears that most of Noel's property is not in the floodplain. After discussion, the Board will address this at a future Board meeting.

## **HOME PROGRAM CONTRACT**

Dave Taladay with Southeast Nebraska Development District (SEND) presented the contract from the State of Nebraska Department of Economic Development for the Home Program #10-OEHP-6034 regarding the down payment assistance with rehabilitation.

After discussion, Kimbrough moved and Mueller seconded the motion to approve and sign the contract with the State of Nebraska Department of Economic Development with the grant funds not to exceed \$331,900.00. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## **CONTRACT WITH SEND**

After discussion, Yates moved and Cerny seconded the motion to approve and sign the contract with Southeast Nebraska Development District for general administration assistance regarding the grant for the Home Program #10-OEHP-6034. 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.

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

After discussion, Mueller moved and Galusha seconded the motion to approve the sub-recipient agreement with the Fillmore County Development Corp. to undertake and carry out the HOME funds programs and projects under the Nebraska Affordable Housing Program (NAHP). 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.

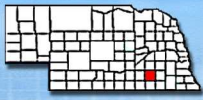
## **GRANT FUNDS**

County Sheriff, William Burgess and Emergency Manager, Donna Mainwaring discussed with the Board about starting a separate fund to use for grant funds. Currently those funds are put into the General Fund. After discussion, the Board directed the Clerk to speak with our accountant regarding this issue.

## **WIND FARM**

Gary Aksamit with Aksamit Resource Management informed the Board that he has talked to several Fillmore County residents regarding putting up MET towers to assist in determining the need for wind farms in Fillmore County.





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Gary will return to the Board when he has more details. Jerri Daniels, Planning and Zoning Administrator attended this portion of the Board meeting.

## RESPONSIBLE CHARGE PERSON

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

### **RESOLUTION 2010-43**

**WHEREAS:** Fillmore County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) 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.

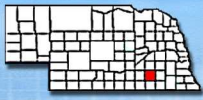
**BE IT RESOLVED:** by the Board of Supervisors of Fillmore County that Jerry Lukes, Fillmore County Road Foreman is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines 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(30),

NDOR Control Number 42226,

Geneva Northwest

Fillmore County assures and agrees that:



# Fillmore County Board Minutes



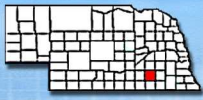
December 14, 2010

- 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:



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

The Chairman declared the resolution adopted.

## EXECUTIVE SESSION

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

The Chairman declared the motion carried and requested that the Highway Superintendent and County Clerk remain. Executive session began at 1:20 p.m.

## RETURN TO REGULAR SESSION

Mueller moved and Kimbrough seconded the motion to return to open session at 1:36 p.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.

## COUNTY SURVEYOR

Thomas L. Krueger with JEO Consulting, Kirkham Michael, and Olsson Associates submitted bids for County Surveyor beginning January 1, 2011 and ending December 31, 2014.

After discussion, Kimbrough moved and Mueller seconded the motion to appoint Thomas Krueger with JEO Consulting as the Fillmore County Surveyor beginning January 1, 2011 and ending December 31, 2014. 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 RURAL FIRE BOND

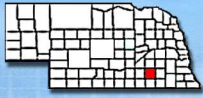
Yates moved and Simacek seconded the motion to approve the bond Geneva Rural Fire Protection District for James White beginning November 1, 2010 and ending November 1, 2011. Upon roll call, the vote was as follows:

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.



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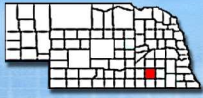


December 14, 2010

## GENERAL FUND:

Academic Booster Club	Misc	30.00
Howard F. Ach, Atty.	Rent, Post	3,269.12
Action Auto Supply	Sup	19.96
Ameritas Life Insurance Corp	Ret	3,378.37
Jon Anderson	Uni	35.00
Aramark Uniform Services, Inc.	Ser	592.67
Auto Value Parts Stores	Sup	49.99
Axis Capital, Inc.	Ser	249.00
Black Hills Energy	Uti	233.09
Botdorf & Maser, Atty.	Ser, Mile	125.00
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
City of Geneva	Uti	232.60
Computer Depot	Sup	106.38
Constellation Energy	Uti	39.20
Contryman Associates, PC	Ser	7,000.00
Corner Stop	Fuel	307.86
Dawg's Smokehouse Café	HDM's	478.00
Dell Marketing, LP	Equip	959.66
Judy Dondlinger	Ser	132.00
Dugan Business Forms	Sup	198.44
Eakes Office Plus	Sup	1,449.87
Earls Window Service	Ser	6.00
Exeter Care Center	HDM's	260.00
Fillmore County Development Corp.	Budget request	10,000.00
Fillmore County Medical Center	Ser	76.84
Fillmore County Treasurer	Transfer, Misc.	5,696.62
First Concord Benefits Group, LLC	Insur, Ser	2,098.41
Gambles of Geneva	Sup	35.36
Geneva State Bank	SS, Ser	3,770.01
Heinisch Law Office	Ser	1,624.94
Bob Hester	Uni	35.00
Hometown Leasing	Ser	839.19
Jim's Repair	Rep, Fuel	593.02
Steve Julich	Uni	35.00
Knoche Appraisal & Consulting, LLC	Ser, Mile	3,009.00
Kopchos Sanitation, Inc.	Ser	78.50
Stephen J. Kraviec	Ser, Post	1,739.69
Lancaster County Sheriff	Ser	45.71
Lichti Oil	Fuel	56.50
Jenni Lovegrove	Ser	132.00
Madison National Life	Insur	188.07
Elizabeth Mattox Manning	Ser	144.00
Microfilm Imaging Systems, Inc.	Ser	64.00
Midwest Radar & Equipment, Inc.	Equip	240.00
MIPS, Inc.	Ser, Sup	2,760.35
Brenda Motis	Mile	76.50
Nebraska Association of County Officials	Wksh, Dues	1,615.23
Nebraska Fire Sprinkler Corp.	Main	373.00
The Nebraska Signal	Pro, Sup	952.93
Nebraska Weed Control Association	Wksh	85.00
Amy Nelson	Mile, Meal, Misc	267.95
O'Keefe Elevator Company, Inc.	Main	228.32
Dawn Opfer	Misc	58.70
Paper Tiger Shredding	Misc	284.40
Ralph's Geneva Tire & Service Center	Rep, Main	611.53
Red Willow County Sheriff	Ser	9.18
Steven G. Roemmich	Uni, Meal	62.46





# Fillmore County Board Minutes

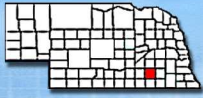


December 14, 2010

Saline County Sheriff	Boarding Prisoner, Ser	3,646.00
Shell Fleet Plus	Fuel	2,442.19
SE District Assessor's Association	Dues	30.00
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Env. Lab.	Ser	84.00
Sullivan, Shoemaker, Witt & Burns PC, LLO	Ser	152.00
Total Funds by Hasler	Post	1,400.00
UN-L IS-Telecommunications	Uti	4.10
US Bank, CPS	Sup, Meal, Rep, Hotel	524.70
Brandy VanDeWalle	Dues, Meals	118.99
Carroll L. Verhage	Ser	31.00
Anthony Whitmore	Uni, Meals	68.44
Eric Williams	Post	17.67
Windstream	Uti	231.75
Payroll	Salaries	49,423.08

## **ROAD/BRIDGE FUND:**

Action Auto Supply	Sup	23.06
Ameritas Life Insurance Corp.	Ret	2,626.47
Auto Value Parts Stores	Parts, Sup, Main	782.67
Black Hills Energy	Uti	93.98
Casey's General Store	Fuel	66.08
Century Lumber Center	Parts, Sup	177.63
City of Geneva	Uti	60.20
Don's Tractor Salvage	Parts	1,370.00
Dorchester Farmers Coop	Fuel, Rep, Sup	4,537.82
Elmer Hessheimer	Fuel	60.76
Farm Plan	Parts, Sup	258.60
Gambles	Equip, Sup	1,023.17
The Garbage Company	Uti	84.27
Geneva Implement	Parts	155.28
Geneva State Bank	SS	1,952.75
Geneva Super Foods	Sup	55.46
Geneva Welding & Supply, Inc.	Parts, Sup	1,028.93
Grafton Mini Mart	Fuel	104.39
Grafton Oil	Fuel, Main	3,030.54
Heath, Inc.	Rep	50.00
Kelly Supply Company	Parts	60.46
Kerry's Auto Repair & Service	Rep	159.50
Lichti Oil	Fuel, Parts	2,956.82
Madison National Life	Insur	97.62
Midwest Unlimited	Sup	296.23
MIPS, Inc.	Ser	106.56
Nebraska Iowa Industrial Fasteners	Sup	198.24
Nebraska Bolt	Sup	22.59
Nebraska LTAP	Dues	30.00
The Nebraska Signal	Ads, Misc	201.43
Newman Traffic Signs	Sup	423.35
Nichols Construction	Gravel	54,807.29
Nick's Farm Store	Sup	24.31
Larry S. Nun	Easement	25.00
Overland Sand & Gravel	Gravel	1,464.77
Perennial Public Power	Uti	103.26
Power Plan	Parts	417.39
R & D Parts	Parts, Equip, Sup	55.17
Ralph's Geneva Tire & Service Center, Inc.	Parts, Rep	1,266.84
John & Doreen D. Schelkopf	ROW, Fencing	2,693.00
Shell Fleet Plus	Fuel	2,582.96
Speece Lewis Engineers	Ser	875.00



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Titan Access Account	Parts	190.53
US Bank CPS	Post	2.44
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	28.54
Village of Grafton	Uti	21.07
Payroll	Salaries	26,601.25

## **INHERITANCE TAX FUND:**

Berggren Architects	Ser	1,127.59
JEO Consulting Group, Inc.	Ser	1,700.00
Plains Tree Farm, Inc.	Misc	800.00

## **HOSPITAL OPERATING FUND:**

Fillmore County Hospital	Nov. Taxes	332.18
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## **E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	137.46
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## **CLAIMS APPROVED**

Kimbrough moved and Cerny 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.

## **ADJOURN**

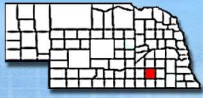
Agenda items "Part time work and County flags" will be discussed at a future Board meeting. As there was no other business to come before the Board, Yates moved and Cerny seconded the motion to adjourn until 9:00 a.m., December 28, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman



# Fillmore County Board Minutes



December 28, 2010

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., December 28, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Vice Chairman Cerny presiding. Members present were Yates, 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 11:30 a.m.

## **MINUTES APPROVED**

Vice Chairman of the Board, Cerny approved the minutes of the December 14, 2010 Board meeting.

## **OBERNAGEL SUBDIVISION**

Geraldine Daniels, Planning & Zoning Administrator submitted a plat for the Obernagel Subdivision located in the SW ¼, Section 35-5-3, Hamilton Township.

After discussion, Kimbrough moved and Yates seconded the motion to approve the Obernagel Subdivision as follows: a tract of land commencing at the southwest corner of Section 35; thence on an assumed bearing of North 01°18'20" West, on section line, a distance of 341.14 feet; thence North 76°05'52" East, a distance of 261.90 feet to a 5/8 inch x 36 inch capped rebar (set); thence South 56°20'56" East, a distance of 160.74 feet to a 5/8 inch x 36 inch, capped rebar (set); thence South 01°18'20" East a distance of 305.08 feet to the South line of said Section 35; thence South 88°32'04" West, on section line a distance of 387.34 feet to the point of commencement. Containing a calculated area of 3.23 acres, more or less.

Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## **PLANNING & ZONING ADMINISTRATOR APPOINTMENT**

Mueller moved and Simacek seconded the motion to appoint Donna Mainwaring as the Planning and Zoning Administrator beginning December 31, 2010 due to the resignation of Geraldine Daniels. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## **PLANNING COMMISSION APPOINTMENT**

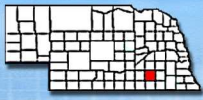
Dennis Kimbrough submitted Lynn Yates and Richard Girmus as interested parties in serving on the Planning Commission.

After a ballot vote, Kimbrough moved and Yates seconded the motion to appoint Richard Girmus to the Planning Commission beginning January 1, 2011 and ending June 30, 2012 with a vote of four to one. Richard will replace Merle Noel who resigned at the December meeting. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.



# Fillmore County Board Minutes



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## **SAFETY COMMITTEE**

Yates moved and Kimbrough seconded the motion to appoint Robert Mueller, Brandie Conway, Pat Halbur, and Brenda Motis to the Safety Committee beginning January 1, 2011 and ending December 31, 2012. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

## **MILEAGE RATE**

Simacek moved and Galusha seconded the motion to approve the mileage rate of \$.51 and for the Sheriff to serve papers at \$.54 effective January 1, 2011. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

## **PHONE SYSTEM**

After discussion, Mueller moved and Yates seconded the motion to upgrade the main phone system and to fix the voice mail with Business Telecommunications Systems. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

## **DRIVEWAY PERMITS**

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

Frances Fessler – install a new driveway on the east side of the NE ¼, Section 21-7-4, Bennett Township.

Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

## **RESPONSIBLE CHARGE PERSON**

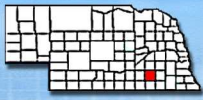
After discussion, Simacek moved and Yates seconded the introduction of the following resolution:

### **RESOLUTION 2010 – 44**

**WHEREAS:** Fillmore County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) 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





# Fillmore County Board Minutes



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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 Jerry Lukes, Fillmore County Road Foreman 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:

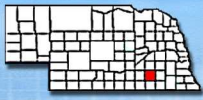
NDOR Project Number BRO-7030(33),

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.



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

Nays: Simacek

The Vice Chairman declared the resolution adopted.

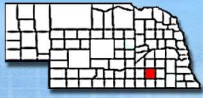
## **RESPONSIBLE CHARGE FOR WARNER FILLING STATION**

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

### **RESOLUTION 2010 – 45**

The County Board of Supervisors of Fillmore County, having met on the 28<sup>th</sup> day of December, 2010, hereby authorize the County Board Chairman 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:



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

Nays: None

The Vice Chairman declared the resolution adopted.

## INTERLOCAL COOPERATION ACT AGREEMENT

Simacek moved and Mueller seconded the motion to approve and sign the Nebraska Local Public Agency Interlocal Cooperation Act Agreement appointing Jerry Lukes as the Responsible Charge (RC) person for the Warner Filling Station/Tourism Center project. A complete copy was ordered on file in the County Clerk's office. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## CONTRACT FOR PROJECT FIC-30(360)

Kimbrough moved and Yates seconded the motion to approve and sign the contract with M. E. Collins for project FIC-30(360) in the amount of \$193,469.50. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## CONTRACT FOR PROJECT FIC-30(203)

Mueller moved and Galusha seconded the motion to approve and sign the contract with M. E. Collins for project FIC-30(203) in the amount of \$94,110.99. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## DIESEL FUEL BIDS

Bids for diesel fuel were opened at 9:45 a.m. as advertised. The following bids were received:

<b><u>Bidder</u></b>	<b><u>D-Grade</u></b>	<b><u>Blended</u></b>
Lichti Oil, Shickley, NE	\$2.888 per gallon for all locations	\$3.008 per gallon at all locations
Dorchester Farmers Coop	\$2.83 per gallon for all locations, but Geneva is \$2.75 per gallon	No Bid

## DIESEL FUEL LETTING

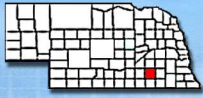
After discussion, Mueller moved and Simacek seconded the motion to accept and award the Diesel fuel letting for D-Grade to Dorchester Farmers Coop and Blended to Lichti Oil. Upon roll call, the vote was as follows:

Ayes: Galusha, Yates, Simacek, and Mueller

Nays: Kimbrough and Cerny

The Vice Chairman declared the motion carried.

## WITHDRAWING PLEDGE SECURITY



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

## **RESOLUTION 2010-46**

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

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

Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the resolution adopted.

## **EXTENSION BOARD**

Mueller moved and Galusha seconded the motion to appoint Robbie Petersen and Tyler Williams beginning January 1, 2011 and ending December 31, 2013. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## **PUBLIC HEALTH SOLUTION**

Jane Ford Witthoff with Public Health Solutions gave an update to the Board of what they have been doing in 2010 and what they will be doing in 2011.

## **U. S. CELLULAR HEARING**

Public hearing regarding the U. S. Cellular tower was opened at 11:00 a.m. as advertised. Jerry Carpenter representing U. S. Cellular was present to answer any questions. As no one appeared to testify for or against the tower the Vice Chairman closed the hearing at 11:07 a.m.

Mueller moved and Yates seconded the motion to approve the special use permit for U. S. Cellular to construct a cellular tower in the SW ¼, Section 24-8-2, Fairmont Township. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

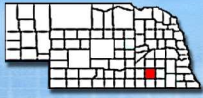
## **CLAIMS**

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	18.50
Ameritas Life Insurance Corp.	Ret	3,132.42
Blue Cross Blue Shield of Nebraska	Insur	22,681.82
Mary Brinkman	Wksh	10.00
The Cake House	Misc	121.00
Lucille Capek	Mile	97.50





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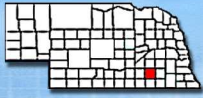


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Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Diebold Incorporated	Main	161.00
Merlin Ehmen	Ret	22.00
Alan Emshoff	Mile	64.00
Erdkamp Motors	Main	72.00
Executive Copier Systems, Inc.	Sup	109.71
Fillmore County Hospital	Ser	25.00
First Concord Group, Inc.	Insur	4,432.55
Gambles	Sup	85.35
Geneva Broadband, LLC	Ser	99.98
Geneva Senior Center	Rent	70.00
Geneva State Bank	SS	3,317.70
Geneva Super Foods	Sup	598.10
Norma Gregory	Ret	25.00
Hall County Sheriff's Office	Ser	20.12
Deborah Hoarty	Mile	63.00
JEO Consulting Group, Inc.	Ser	1,642.64
Howard Johnson	Mile	87.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Copies	2,699.46
Kerry's Auto Repair & Service	Main, Tires	579.64
Dennis Kimbrough	Mile	30.00
Madison National Life	Insur	8.01
MailFinance	Ser	248.20
Donna Mainwaring	Meal	25.95
Marriott Hotels & Resorts, The Cornhusker	Lodging	2,415.75
Ann H. McDonald	Ret	18.00
Mid-American Research Chemical	Sup	183.00
Rich Mueller / Thomas Biegert	Rent	650.00
Nebraska Law Enforcement Training Center	Wksh	100.00
Nebraska Public Power District	Uti	819.06
The Nebraska Signal	Sup	30.50
Norrie Construction	Rep	429.00
O'Keefe Elevator Company, Inc.	Main	13.40
Seward County Sheriff	Ser	37.00
State of Nebraska AS Central Services	Ser	48.25
State of Nebraska Dept. of Motor Vehicles	Sup	16.00
State of Nebraska Health & Human Service	Nov. Patient Care	498.00
Thayer County Sheriff	Ser	19.00
Total Funds by Hasler	Post	700.00
US Bank CPS	Meals, Misc	261.99
Verizon Wireless	Uti	734.07
Weaver Pharmacy	Sup	461.63
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,257.03
York County Sheriff	Ser	22.74
Payroll	Salaries	45,635.25

## ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,913.98
Blue Cross Blue Shield of Nebraska	Insur	13,131.58
C & C Extinguisher Service	Equip	329.00
Dennis H. & Maurine K. Domeier	ROW, Easement	2,995.00
Dorchester Farmers Coop	Fuel	22,581.33
Farm Plan	Parts, Sup	3,272.89
Gambles	Rep, Sup, Equip	397.44
Geneva State Bank	SS	2,086.94
Gordy Fleming Heavy Equipment, LLC	Equip	6,710.00
Ralph Gould	Ret	18.00



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Grafton Mini Mart	Fuel	50.75
Elmer Hessheimer	Misc	9.00
Donovan Jirkovsky	Ret	25.00
Kelch Plumbing, Heating & Refrig. Inc.	Rep	122.50
Lichti Oil	Fuel	3,137.03
Medical Enterprises	Ser	31.00
Midwest Service & Sales	Parts	825.00
Nebraska Public Power District	Uti	265.32
Nichols Construction	Gravel	17,790.13
Office Depot Credit Plan	Equip, Sup	559.96
Perennial Public Power District	Uti	92.62
Roit Repair	Rep	29.75
Donna Saltzman	Ser	35.00
Speece Lewis Engineers	Fees	987.50
Kris W. Stengel	Easement	25.00
Verizon Wireless	Uti	67.14
Windstream	Uti	147.46
Payroll	Salaries	28,355.43

## **ECONOMIC DEVELOPMENT – TOURISM:**

Fillmore County Development Corp.	Wksh, Mile, Sup, Ser	451.74
Southeast Nebraska Tourism Council	Dues	100.00

## **911 WIRELESS FUND:**

Metro Leasing Company	Ser	794.89
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## **911 COMMUNICATIONS FUND:**

Windstream	Uti	1,023.50
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## **CLAIMS APPROVED**

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

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

Nays: None

The Vice Chairman declared the motion carried.

## **LIQUOR LICENSE HEARING**

Public hearing regarding a liquor license for Casey's was opened at 11:15 a.m. as advertised. As no one appeared to testify for or against the tower the Vice Chairman closed the hearing at 11:21 a.m.

## **SECURITY CAMERAS**

After discussion, Kimbrough moved and Mueller seconded the motion to approve putting in security cameras in the Courthouse, jail, and to monitor the outside of the courthouse. Upon roll call, the vote was as follows:

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

Nays: None

The Vice Chairman declared the motion carried.

## **LIQUOR LICENSE**

Simacek moved and Yates seconded the motion to approve the liquor license for Casey's Retail Store located at 1302 Road F, Fairmont. Upon roll call, the vote was as follows:



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

The Vice Chairman declared the motion carried.

## **VERIZON TEMPORARY TOWER**

After discussion, Mueller moved and Yates seconded the motion to approve Verizon to have a temporary tower site in Exeter. Upon roll call, the vote was as follows:

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

The Vice Chairman declared the motion carried.

## **ADJOURN SINE DIE**

Agenda items "contract with City Clock and contract with Elmer Hessheimer were tabled until a future board meeting. As there was no other business to come before the Board, Mueller moved and Kimbrough seconded the motion to adjourn sine die until 9:00 a.m., January 11, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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Attest

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Chairman