

Reorganization Meeting

The Fillmore County Board of Supervisors convened to reorganize, as required by statute, in open and public session at 9:00 a.m. on January 13, 2009, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Cerny, Kimbrough, Simacek, Mueller, Capek, Galusha, and Yates. The Deputy County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The reorganization meeting adjourned at 9:23 a.m.

ELECTION OF CHAIRMAN

The Deputy County Clerk, acting as temporary Chairman, called the meeting to order at 9:00 a.m. The first order of business was the election of a Chairman for the year 2009. Simacek nominated Steve Yates and requested that the nominations cease. Mueller seconded the nomination.

Upon roll call, the vote was as follows:

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

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

ELECTION OF VICE-CHAIRMAN

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

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

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

NAMING OFFICIAL BANK DEPOSITORIES

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

RESOLUTION 2009-01

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

AUTHORIZED INVESTMENTS

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

RESOLUTION 2009-02

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

DEPOSIT OF SURPLUS FUNDS

The Chairman declared the motion carried.

LEGAL NEWSPAPER

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

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

The Chairman declared the motion carried.

ROAD REPORTS

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

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

The Chairman declared the motion carried.

PUBLIC HEALTH BOARD

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

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

The Chairman declared the motion carried.

COUNTY PHYSICIAN

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

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

The Chairman declared the motion carried.

REPRESENTATIVE TO DEVELOPMENT CORPORATION MEETINGS

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

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

The Chairman declared the motion carried.

ADJOURNMENT

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

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

The Chairman declared the motion carried.

Attest

Chairman

Regular Meeting

The Fillmore County Board of Supervisors convened in open and public session at 9:24 a.m., January 13, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present

were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The Deputy County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication and by broadcasting on radio station KAWL. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 11:30 a.m.

MINUTES APPROVED

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

FEE REPORTS

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRIVEWAY PERMITS

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

Patrick O'Brien – to bury electrical line between the SE ¼, Section 11 and the SW ¼, Section 12-6-4, Momence Township. The owners agree to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ONE & SIX YEAR PLAN

After discussion, Galusha moved and Kimbrough seconded the motion to publish the one & six year plan for the Road's Department hearing to be held on February 10th. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CONCRETE BOX BIDS

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

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

CONCRETE BOX LETTING

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

After discussion, Cerny moved and Mueller seconded the motion to award the concrete box letting to M. E. Collins of Wahoo for \$104,752.50. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

WITHDRAWING SECURITIES

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

RESOLUTION 2009-4

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

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

Upon roll call, the vote as follows:

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

The Chairman declared the motion carried.

CLAIMS

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

GENERAL FUND

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

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

ROAD FUND:

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

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

SENIOR SERVICES FUND:

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

HOSPITAL OPERATING FUND:

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

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

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

TOWNSHIP BONDS

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

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

The Chairman declared the motion carried.

NOXIOUS WEED

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

After discussion, Cerny moved and Kimbrough seconded the motion to accept Merlin Ehmen’s resignation effective February 27, 2009. The Noxious Weed Board will meet with the Board on February 10th for further discussion. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items “Floodplain Permits and Zoning hours” were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:00 a.m. on January 27, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman