

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., February 24, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 11:59 a.m.

MINUTES APPROVED

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

EXTENSION OFFICE UPDATE

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

CRUSHED ROCK BIDS

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

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

CRUSHED ROCK LETTING

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

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

The Chairman declared the motion carried.

PUBLIC HEARING FOR BRIDGE PROJECT GENEVA TOWNSHIP

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

TOWNSHIP ROADS

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

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

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

The Chairman declared the motion carried.

DRIVEWAY PERMITS

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ONE TO SIX YEAR ROAD PLAN

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

RESOLUTION 2009-07

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

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

It is hereby found and determined that:

- (1) The program for distribution of the Highway Allocation Funds provide additional funds to counties for road related maintenance and construction.
- (2) In order to qualify for said funds the County must, among other things, prepare an annual One (1) and Six (6) Year Program for highway improvements, conduct a local public hearing and submit the results to the Board of Public Roads Classification and Standards.
- (3) The County of Fillmore, Nebraska does hereby adopt the 2009-2010 One (1) and Six (6) Year Program as proposed by the Fillmore County Highway Superintendent.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

PUBLIC HEARING FOR PERMISSIVE EXEMPTION

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

GENEVA TOWNSHIP BRIDGE PROJECT

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

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

The Chairman declared the motion carried.

PERMISSIVE EXEMPTION

County Assessor Joan Ackland presented list of applications for permissive exemptions to the Board. Cerny moved and Capek seconded the motion to close the Permissive Exemption hearing at 10:50 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PERENNIAL PUBLIC POWER

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

CLAIMS

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

GENERAL FUND:

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

ROAD/BRIDGE FUND:

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

LMC ENTERPRISES, INC. SUBDIVISION

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

RC & D REPRESENTATIVES

Capek moved and Mueller seconded the motion to appoint Larry Cerny as the Trailblazer RC & D representative for Fillmore County and Patt Lentfer as the alternate for a one year term. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

WITHDRAWING PLEDGE SECURITY

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

RESOLUTION 2009-09

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

WITHDRAWING PLEDGE SECURITY

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

RESOLUTION 2009-10

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADJOURMENT

As there were no other items to come before the Board, Capek moved and Cerny seconded the motion to adjourn until 9:10 a.m., March 10, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman