

The Fillmore County Board of Supervisors convened in open and public session at 9:17 a.m., June 9, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Mueller left the meeting at 11:25 and Cerny left at 2:18 p.m. The County Clerk was present to record the minutes of the meeting.

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

MINUTES APPROVED

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

FEE REPORTS

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

County Clerk: \$4,906.41 (State \$2,074.77 & County \$2,831.64)
Sheriff: \$1,425.36
Clerk of District Court: \$414.85

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DRIVEWAY PERMIT

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMIT

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

Windstream Communications – to repair communication line on the North side of Section 28-5-2, Belle Prairie Township. Windstream agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the NE ¼, Section 25-8-2, Fairmont Township and the NW ¼, Section 30-8-1, Exeter Township. TransCanada Keystone Pipeline, LP agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SW ¼, Section 30 and NW ¼, Section 31-8-1, Exeter Township. TransCanada Keystone Pipeline, LP agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SE ¼, Section 23 and SW ¼, Section 24-7-1, Liberty Township. TransCanada Keystone Pipeline, LP agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

TransCanada Keystone Pipeline, LP – install a pitfall trap for American Burying Beetle surveys in the SW ¼, Section 24 and NW ¼, Section 25-7-1, Liberty Township. TransCanada Keystone Pipeline, LP agrees to cooperate fully with the officials of Fillmore County and will keep them fully informed of all construction or maintenance work required. The surface of the road will be restored to the same condition as it was prior to the work and such restoration will be accomplished to the reasonable satisfaction of Fillmore County Officials.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

DRAINAGE ISSUE GRAFTON TOWNSHIP

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

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

HORTON CEMETERY

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

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

PURE WATER PRESENTATION

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

INTERLOCAL AGREEMENT FOR DRUG COURT

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

After discussion, Kimbrough moved and Mueller seconded the motion to approve the interlocal agreement between Gage, Jefferson, and Saline counties for the Southeast Nebraska Adult Drug Court beginning July 1, 2009 and ending June 30, 2010 in the amount of \$1,326.93. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

CLAIMS

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

GENERAL FUND:

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

ROAD/BRIDGE FUND:

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

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

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

FISH & WILDLIFE REVENUE

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

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

Nays: None

The Chairman declared the motion carried.

SEND

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

TOWER REPAIR

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

KEYSTONE XL PIPELINE

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

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

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

The Chairman declared the motion carried.

RESCIND FISH & WILDLIFE MOTION

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

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

The Chairman declared the motion carried.

FISH & WILDLIFE REVENUE

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

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

The Chairman declared the motion carried.

ADDING PLEDGE SECURITY

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

RESOLUTION 2009-16

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADDENDUM FOR CHILD SUPPORT SERVICES

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

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items "Trapping in County ROW, Salary Committee report, and budget assistance" were tabled until the next Board meeting. As there were no other items to come before the Board, Simacek moved and Capek seconded the motion to adjourn until 9:00 a.m., June 23, 2009. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

Attest

Chairman