

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

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented, USDA will not be present today. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:23 p.m.

**MINUTES APPROVED**

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

**HORTON CEMETERY**

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

**DRIVEWAY PERMIT**

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**SPEECE LEWIS CONTRACT CHELSEA TOWNSHIP**

After discussion, Kimbrough moved and Cerny seconded the motion to approve the contract with Speece Lewis for "Observation of Construction" for the bridge project between Section 31-6-1, Glengary Township and Section 36-6-2, Chelsea Township at an hourly rate. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**SPEECE LEWIS CONTRACT GLENGARY TOWNSHIP**

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

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

The Chairman declared the motion carried.

**POLE SHED BIDS**

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

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

**POLE SHED LETTING**

Kimbrough moved and Mueller seconded the motion to accept all bids and direct the Highway Superintendent to review and bring back recommendation to the Board. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**TRAPPING IN COUNTY RIGHT-OF-WAY**

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

**RESOLUTION 2009-17**

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

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

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

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

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

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

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

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**DRAINAGE IN GRAFTON TOWNSHIP**

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

**EMERGENCY DECLARED TO ADD ITEM TO AGENDA**

At the request of the Highway Superintendent, Elmer Hessheimer, Mueller moved and Capek seconded the motion to declare an emergency in order to add an item to the agenda, said item “Bridge project located between Sections 1-12, Stanton Township. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**RIGHT-OF-WAY IN STANTON TOWNSHIP**

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

between Sections 1 & 12, Stanton Township and to work with Daniel Werner since County Attorney's office has a conflict of interest and if Mr. Werner will not assist to contact Don Bottorf. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**EXECUTIVE SESSION**

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

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

The Chairman declared the motion carried and requested that the Highway Superintendent and the County Clerk remain. Executive session began at 10:22 a.m.

**RETURN TO REGULAR SESSION**

Kimbrough moved and Galusha seconded the motion to return to open session at 10:43 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**SEND**

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

**COMPREHENSION PLAN**

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

**HOPE CRISIS CENTER**

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

**KEYSTONE PIPELINE XL**

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

**CLAIMS**

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

**GENERAL FUND:**

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

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

**ROAD/BRIDGE FUND:**

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

**ECONOMIC DEVELOPMENT – TOURISM:**

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Fillmore County Development Corp.	Mile, Sup, Misc.	384.06
Southeast Nebraska Development District	CDBG	212.06
SE Nebraska Visitor's Guide	Advertise	505.00
Superior Billboard Images	Sup	54.81

**INSTITUTION FUND:**

State of Nebraska Health & Human Service	May Patient Care	93.00
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**SENIOR SERVICES FUND:**

Ameritas Life Insurance Corp.	Ret	133.70
Fillmore County Treasurer	Post	93.00
Geneva State Bank	SS	173.02
Lafayette Life Insurance Company	Insur	9.00
Payroll	Salaries	2,278.08

**INHERTANCE TAX FUND:**

Gambles	Sup	101.75
Geneva Welding & Supply, Inc.	Sup	218.30
Hall's Sandblasting & Painting	Ser	380.00

**NOXIOUS WEED FUND:**

Ace Agri Supply	Sup, Equip	1,059.14
Alltel	Uti	38.47
Ameritas Life Insurance Corp.	Ret	73.98
Merlin Ehmen	Ret	22.00
Gambles	Sup	41.49
Geneva Activity & Education Dept.	Misc	180.00
Geneva State Bank	SS	314.67
Grafton Mini Mart	Fuel	242.30
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	823.06
Payroll	Salaries	4,118.20

**E911 COMMUNICATIONS FUND:**

Nebraska Public Power District	Uti	112.65
Windstream	Uti	1,002.01

**CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

**BUDGET REVIEWS**

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

**CHILD SUPPORT ENFORCEMENT CONTRACT FOR SUPPLEMENTAL SERVICES**

Capek moved and Cerny seconded the motion to approve the Child Support Enforcement Contract for Supplemental Services with Stephen Kraviec for the amount of \$6,117.00. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**EMERGENCY PROTECTIVE CUSTODY SERVICES AGREEMENT**

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

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

The Chairman declared the motion carried.

**NEBRASKA FIRE SPRINKLER**

After discussion, Simacek moved and Cerny seconded the motion to approve Nebraska Fire Sprinkler to perform the ten (10) year dry sprinkler head test for \$945.00. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

**LAUBER SUBDIVISION**

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

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

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

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

Nays: None

The Chairman declared the motion carried.

**PURCHASE CARD AGREEMENT**

After discussion, Cerny moved and Capek seconded the motion to approve the Purchase Card Agreement with the change from the County Attorney. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

**PURCHASE CARD**

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

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

Nays: None

The Chairman declared the motion carried.

**BUDGET ASSISTANCE**

After discussion, Simacek moved and Capek seconded the motion to have Contryman Associates, P.C. to assist in preparing the budget, levy, and lid. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

**SALARY RECOMMENDATION**

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

After discussion, Kimbrough moved and Capek seconded the motion to have a zero increase with the County covering the insurance increase. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

**NIRMA INSURANCE**

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

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

Nays: None Abstaining due to conflict of interest: Cerny

The Chairman declared the motion carried.

**DEFICIT APPROPRIATION**

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

**RESOLUTION 2009-18**

**WHEREAS**, all of the funds in the 2008-2009 budget for the County Attorney has been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in this budgets to meet all obligations for the 2008-2009 budget year,

**NOW THEREFORE**, Be it Resolved by the Fillmore County Board of Supervisors that a need does exist for additional funds and that the sum of \$4,193.74 be appropriated to the County Attorney budget from the unused funds in the Miscellaneous account of the General Fund Budget for 2008-2009 of said County.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**DEFICIT APPROPRIATION**

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

**RESOLUTION 2009-19**

**WHEREAS**, all of the funds in the 2008-2009 budget for the Jail has been expended due to unforeseen circumstances, and

**WHEREAS**, it is necessary to have county funds available in this budgets to meet all obligations for the 2008-2009 budget year,

**NOW THEREFORE**, Be it Resolved by the Fillmore County Board of Supervisors that a need does exist for additional funds and that the sum of \$8,528.08 be appropriated to the Jail budget from the unused funds in the Sheriff account of the General Fund Budget for 2008-2009 of said County.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**ADJOURNMENT**

Agenda items "USDA annual report & budget request and Region V Community Human Services program" were tabled until a future Board meeting. As there were no other items to come before the Board, Capek moved and Simacek seconded the motion to adjourn until 9:00 a.m., July 14, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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Attest

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Chairman