

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., July 14, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Mueller, Galusha, and Capek. Kimbrough absent, Yates left at 9:32 a.m. and returned at 10:45 a.m., and Galusha left at 11:30 a.m. During Yates absence Vice Chairman Capek presided. 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 2:45 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the June 23, 2009 Board meeting as presented.

FEE REPORTS

Cerny moved and Simacek seconded the motion to approve the fee reports for June 2009:

County Clerk: \$9,062.95 (State \$5,113.85 & County \$3,949.10)
Sheriff: \$1,247.86
Clerk of District Court: \$1,810.47

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

REGION V SYSTEMS

Sandy Morrissey with Region V Systems presented an annual report for the Fillmore County Coalition. The Fillmore County Coalition received a \$13,000.00 grant this year so there will be no budget request for 2009-2010.

DRIVEWAY PERMIT

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

Blaine Richards – install two new 40' driveways on the north and east side of the NE ¼, Section 13-6-4, Momence Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY

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

Kent Theobald – install an electrical line in the SE ¼, Section 5-7-2, Madison Township with no exception to the boring policy. The owner 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: Cerny, Mueller, Galusha, Capek, and Yates
Nays: Simacek

The Chairman declared the motion carried.

FEDERAL AID TRANSPORTATION PROJECT

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

RESOLUTION 2009-20

The County Board of Supervisors of Fillmore County, having met on the 14th day of July, 2009, hereby authorize the County Board Chairperson to sign on behalf of the County, the Financial Management Systems Certification associated with Federal-aid projects.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

FINANCIAL MANAGEMENT OF FEDERAL AID TRANSPORTATION PROJECTS

Capek moved and Mueller seconded the motion to approve the "Financial Management Systems Certification" that Fillmore County will certify that the financial management systems and procedures used by them and meet all requirements set forth by the Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA), and are sufficient to satisfy all applicable financial management systems standards set forth in 49 CFR Part 18, Uniform Administrative Requirements for Grants & Cooperative Agreements to State & Local Governments, and all the requirements set out on the attachment to this certification document. The LPA's financial management system shall provide financial reporting, accounting records, internal control, budget control, allowable cost, and source documentation. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

POLICIES FOR FEDERAL AID PROJECTS

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

RESOLUTION 2009-21

WHEREAS, certain transportation facilities (roads, streets, bridges, 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, and,

WHEREAS, Fillmore County desires to continue to participate in Federal-Aid transportation construction programs, and,

WHEREAS, The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds, and,

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 process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

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 state law 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, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

BE IT FURTHER RESOLVED: The Fillmore County Board of Supervisors does hereby designate the following as responsible for the management of the following process:

Consultant process: Responsible Charge (RC) Person

The National Environmental Policy Act (NEPA): Responsible Charge (RC) Person

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): Responsible Charge (RC) Person

Upon roll call, the vote was follows:

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

The Chairman declared the resolution adopted.

PROJECT BRO-7030(30), GENEVA NORTHWEST

After discussion, Galusha moved and Simacek seconded the motion to approve and sign the agreement with the State of Nebraska, Department of Roads to receive 80% funding from a federal-aid bridge replacement,

5% state-aid and 15% county funds for project BRO-7030(30), Geneva northwest. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

POLE SHED LETTING

After discussion, Mueller moved and Cerny seconded the motion to accept the Highway Superintendent's recommendation and award the Pole Shed Building letting to Biegert Construction with option #1 in the amount of \$43,865.00. Upon the roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BILLBOARD ON HWY 81

Mueller moved and Cerny seconded the motion to approve \$200.00 for the billboard on Hwy. 81 by Hebron. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

LAUBER SUBDIVISION

After discussion, Cerny moved and Galusha seconded the motion to approve the Lauber Subdivision with the correct notarization of Claiton Lauber's signature. Upon the roll call, the vote was as follows:

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

The Chairman declared the motion carried.

REGION V SYSTEMS AGREEMENT

After discussion, Simacek moved and Cerny seconded the introduction of the following resolution and sign the agreement:

RESOLUTION 2009-22

WHEREAS, Fillmore County is a party to the Amended and Restated Agreement for the Formation of the Region V Community Human Services Program (Region V Agreement); and

WHEREAS, the parties to the Region V Agreement now desire to amend the Agreement to update the statutory references in the Agreement to reflect changes in the state behavioral health laws and to allow Region V Systems to expand its scope of administrative services to contract with counties which desire to do so;

NOW THEREFORE, Fillmore County amends and adopts the Region V Agreement in the form attached hereto.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

USDA WILDLIFE SERVICES

Spencer Nelson with USDA Wildlife Services presented his annual report and budget request of \$7,487.00 for 2009-2010, which is an increase of \$147.00 from 2008-2009 budget request. Further action will be taken later this summer with all budget requests.

FILLMORE COUNTY DEVELOPMENT CORP

Patt Lentfer, Carol Vejraska, Jim Donovan, and Dick Schoenholz from the Fillmore County Development Corp. board presented the projects that they have done in 2008-2009 and new projects as well as the budget request of \$45,000.00, which is \$5,000.00 more than what was funded last year. Further action will be taken later this summer with all budget requests.

CASA

Amanda Miller and Frank Heinisch with Court Appointed Special Advocates (CASA) board presented the annual report and budget request of \$11,249.90 for 2009-2010, which is \$1,249.90 more than what was funded last year. Further action will be taken later this summer with all budget requests.

MOWER FOR CUSTODIAN

After discussion, Cerny moved and Capek seconded the motion to approve the purchase of a 2008 John Deere mower for \$3,079.00 for the custodian department. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SICK DAY BANK POLICY

After discussion, Mueller moved and Capek seconded the motion to add to the sick day bank policy the following: allow employees to apply with the sick day bank committee under special circumstances on a case by case basis to use more of the sick day bank with the sick day bank committee getting approval from the Board. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

RURAL TRANSIT

Crystal Norvell, Rural Transit Director informed the Board that there could be some stimulus money available for purchasing a new van at a 100% of the cost covered, application needs to be signed.

After discussion, Mueller moved and Cerny seconded the motion to approve and sign the vehicle application for Federal transit administration funding through the 2009 American Recovery & Reinvestment Act to be put on a waiting list. Upon roll call, the vote was as follows:

Ayes: Capek, Yates, Cerny, and Mueller
 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:

A-1 Body & Glass	Rep	240.27
Howard Ach, Atty	Rent, Post, Uti, Sup	3,353.29
Lanny Ackerman	Mtgs, Mile	94.50
Ameritas Life Insurance Corp.	Ret	3,008.46
Andrews Electric Co., Inc.	Rep	411.40
Black Hills Energy	Uti	53.27
Blue Cross Blue Shield of Nebraska	Insur	17,685.76
Bottorf & Maser, Atty.	Ser	997.50
Business World Products	Sup	243.06
Century Lumber Center	Sup	61.06
City of Geneva	Uti	197.90
Clay County News	Ads	207.00
Comfort Inn	Lodging	140.00
Constellation Energy	Uti	2.64
Corner Stop	Fuel	172.86
Geraldine Daniels	Mile	68.20
Duckwall – Alco Stores, Inc.	Sup	64.66
Eakes Office Plus	Sup, Ser	1,389.86
Earls Window Service	Ser	10.00
Election Systems & Software, Inc.	Ser	15.00
Sharon Elznic	Mtgs, Mile	71.40
Erdkamp Motors	Main	36.00
Executive Copier Services	Sup	73.92
Jennifer L. Fakler	Ser	26.00
Fillmore County Clerk	Fees	12.00
Fillmore County Treasurer	Transfer, Insur	58,773.78
First Concord Benefits Group, LLC	Ser, Insur	2,605.36
Gage County Sheriff's Office	Ser	6.00
Geneva Activity & Education Dept.	Ser	60.00
Geneva State Bank	SS	3,158.18

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Geneva Super Foods	Sup	219.19
Matt Harre	Mtgs, Mile	65.20
The Hebron Journal – Register	Ads	279.12
Hilty's of Geneva	Sup	712.53
Hometown Leasing	Ser	653.29
JEO Consulting Group, Inc.	Ser	1,160.00
Kerry's Auto Repair & Service	Rep	175.86
Stephen J. Kraviec	Ser, Post	1,695.10
Lafayette Life Insurance Co.	Insur	160.45
Lancaster County Sheriff	Ser	82.56
Gary Latimer	Fees	119.00
Lease Consultants	Ser	249.00
Madison County Sheriff	Boarding Prisoner	150.00
Microfilm Imaging Systems, Inc.	Ser	66.00
MIPS, Inc.	Ser	2,499.01
Mark Morgan	Mtgs, Mile	84.60
Moses Motor Company, Inc.	Sup	68.51
Morley Most	Mtgs, Mile	94.50
Marvin Nadherny	Mtgs, Mile	56.40
Nebraska Association of County Officials	Dues	1,308.74
Nebraska Fire Sprinkler Corp.	Ser	292.00
The Nebraska Signal	Proc, Ads, Sup	1,849.75
Neopost, Inc.	Ser	445.58
Merle Noel	Mtgs, Mile	63.15
Reggie Noel	Mtgs, Mile	21.05
O'Keefe Elevator Company, Inc.	Rep	5.00
Platte Valley Communications of Hastings	Equip, Ser	612.54
Protex Central, Inc.	Rep	308.27
R & D Auto Parts, LLC	Sup	4.58
Ralphs Geneva Tire & Service Center	Rep, Main	574.81
Saline County Sheriff	Ser	94.00
Saunders County Sheriff	Ser	15.50
Seiler & Parker, P.C.	Ser	95.00
Shell Fleet Plus	Fuel	2,008.98
Sioux Sales Company	Sup	49.70
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	168.00
Sutton Veterinary Clinic	Ser	98.03
Thayer County Sheriff's Office	Ser	28.44
Daniel Werner	Ser	3,555.55
Windstream	Uti	1,392.61
York County Sheriff	Ser	19.00
York Jewelry	Rep	16.80
Ziamba Roofing Company	Rep	148.00
Payroll	Salaries	43,677.16

ROAD/BRIDGE FUND:

Action Auto Supply	Parts	15.57
Alltel	Uti	86.97
Ameritas Life Insurance Corp.	Ret	1,606.20
Auto Glass Center	Parts, Rep	192.48
Auto Value Parts Stores	Parts, Rep, Sup	712.12
Black Hills Energy	Uti	59.45
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Casey's General Store	Fuel	127.04
Century Lumber Center	Parts, Sup	84.90
City of Geneva	Uti	60.20
Dorchester Farmers Coop	Fuel	219.31
Farm Plan	Parts, Rep	220.12
Fastenal Company	Parts	58.82
Fillmore County Hospital	Ser	52.00
Fillmore County Treasurer	Insur	64,508.00
Filter Care of Nebraska	Parts	209.55
Geneva Implement	Parts	177.37
Geneva State Bank	SS	1,789.59
Geneva Welding & Supply, Inc.	Sup	150.23
Grafton Oil	Sup	2,149.95
Hireright Solutions, Inc.	Ser	59.80
Holiday Inn Express Hotel & Suites	Lodging	158.00
Kerry's Auto Repair & Service	Rep	26.00
Lafayette Life Insurance Company	Insur	87.99
Lichti Oil	Fuel, Sup, Parts	8,382.50
Jerry Lukes	Sup	155.88
Mike's Radiator & Tire	Rep	7.00
Nebraska Bolt	Parts	60.57
Nebraska Iowa Industrial Fasteners	Sup	102.82
Nebraska Signal	Ads	41.42
Newman Traffic Signs	Signs	347.55
Nichols Constructions	Gravel	32,438.57

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Overland Sand & Gravel	Gravel	5,872.13
Perennial Public Power	Uti	76.82
Platte Valley Communications of Gl	Equip	439.41
R & D Parts	Parts, Sup	43.03
Ralph's Geneva Tire & Service	Rep	61.25
Shell Fleet Plus	Fuel	2,298.59
Superior Deshler, Inc.	Fuel	53.54
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	37.44
Village of Grafton	Uti	21.07
Village of Milligan	Uti	23.07
Village of Ohiowa	Uti	20.00
Payroll	Salaries	24,413.20

SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Dawg's Smokehouse Café	HDM's	136.50
Exeter Care Center	HDM's	285.00
Exeter Senior Center	LAAA, USDA	291.61
Fairmont Aging Services	LAAA, USDA	1,870.58
Fillmore County Ag Society	Misc.	50.00
Fillmore County Treasurer	Insur	177.08
Geneva Senior Center	LAAA, USDA	2,757.58
Geneva State Bank	SS	171.77
Hometown Leasing	Ser	56.64
Susan Kerl	Ser, Mile	170.45
Lafayette Life Insurance Company	Insur	9.00
Bette Mattox Manning	Ser	72.00
Brenda Motis	Mile, Sup, Post	158.59
The Nebraska Signal	Sup	76.50
Ron's Tavern	HDM's	135.00
Shell Fleet Plus	Fuel	17.77
Windstream	Uti	90.95
Payroll	Salaries	2,261.81

INHERITANCE TAX FUND:

Biegert Construction Company	Labor, Material	5,825.00
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HOSPITAL OPERATING FUND:

Fillmore County Hospital	June Taxes	697.07
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NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	552.68
Todd Boller	Post, Sup	14.65
Shane Bristol	Rep, Parts	164.63
Brothers Equipment, Inc.	Parts	94.16
Century Lumber Center	Sup	6.15
Chaney Chemical, Inc.	Sup	237.75
City of Geneva	Uti	39.00
Gaylord Craddock	Mile	56.10
Geneva State Bank	SS	357.85
Fillmore County Treasurer	Insur	2,077.00
Frances Heinrichs	Mile	56.10
Ronald Isley	Mile	42.90
Lafayette Life Insurance Company	Insur	4.50
Lichti Oil	Fuel	1,456.66
Payroll	Salaries	4,682.80

E911 COMMUNICATIONS FUND:

Windstream	Uti	1,555.92
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CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

BUDGET REVIEWS

The Board reviewed the following budgets for fiscal year 2009-2010: Extension, Clerk of District Court, District Judge, and Senior Services. The rest of the budget reviews will be held on July 21, 2009.

JAIL INSPECTION REPORT

A jail inspection was completed and it was reported that the cells could use some cleaning.

ADJOURNMENT

Agenda items "Condemnation Proceedings, Peddlers Permits, and Appointment to LAAA" will be discussed at a future Board meeting. As there were no other items to come before the Board, Cerny moved and Simacek seconded the motion to adjourn until 9:00 a.m., July 28, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman