

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., July 28, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Simacek, Mueller, Galusha, and Capek. Kimbrough was absent. 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 12:02 p.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the July 14, 2009 and July 21, 2009 Board meeting as presented.

TAX FORECLOSURES

After discussion and at the request of the County Treasurer, Cerny moved and Mueller seconded the introduction of the following resolution:

RESOLUTION 2009-23

WHEREAS, the County Treasurer of Fillmore County has reported in writing to the County Board setting out a complete list of all parcels of real estate in the county on which taxes are delinquent and which were not sold for want of bidders at the last annual tax sale held in Fillmore County and said real estate taxes have been delinquent for a period of three years or more.

WHEREAS, the County Board has examined the same and while it may direct the issuance of tax sale certificates to the County upon any parcel of real estate upon which there are any delinquent taxes, it shall, as to all parcels of real estate upon which taxes are delinquent for three or more years, either enter an order directing the foreclosure of the lien of such taxes or shall enter an order for the County Treasurer to issue tax sale certificates to the County covering the delinquent taxes upon such parcels of real estate, to the foreclosed in the manner provided in Section 77-1901 to 77-1918, Nebraska Revised Statutes.

WHEREAS, more than two consecutive years have elapsed upon real estate which has been offered for sale and not sold for want of bidders; and

WHEREAS, more than three years have elapsed since the issuance of such respective certificates of tax sale and by reason thereof the right of redemption of the owners or claimants of such respective tracts has expired;

BE IT RESOLVED that the County Board shall direct the County Attorney to commence foreclosure on such liens or certificates on all real estate which has heretofore been advertised and offered for sale and remains unsold for want of bidders and certificates of tax sale issued thereon.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

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	397.80
Ameritas Life Insurance Corp.	Ret	2,681.74
Aramark Uniform Services, Inc.	Ser	679.99
Joseph N. Bixby DR	Ser	1,187.50
Blue Cross Blue Shield of Nebraska	Insur	17,133.08
C & C Extinguisher Service	Rep	71.50
Marilyn Christianity	Ret	25.00
City of Geneva	Rent	484.00
County Veteran's Service Officers Assoc.	Wksh	75.00
F & S Supply Co., Inc.	Sup	151.04
Farm & Home Publishers, LTD	Sup	957.75
Fillmore County Hospital	Ser	25.00
Fillmore County Treasurer	Post, Insur, Misc.	538.10
Gage County Sheriff's Office	Ser	19.16
Gambles	Sup	133.27
The Garbage Co.	Ser	161.63
Geneva State Bank	SS	2,840.36
Geneva State Bank – Shickley	Rent	35.00

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Germer, Murray, & Johnson	Ser, Mile	688.26
Norma Gregory	Ret	25.00
Hasler Financial Services, LLC	Ser	507.11
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Wksh	4,120.85
Kerry's Auto Repair & Service	Rep, Parts	68.91
Stephen J. Kraviec	Ser	6,117.00
Lancaster County Sheriff	Ser	19.16
Larson Motors, Inc.	Equip	24,496.00
Lehman Reporting Services	Ser, Mile	192.90
Ann H. McDonald	Ret	18.00
Mid-American Research Chemical	Sup	670.35
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,391.71
Lyndsey Pohlmeier	Mile	77.00
Saline County Sheriff	Ser	45.25
Secretary of State/Election Div.	Sup	4.00
Shell Fleet Plus	Fuel	2,249.68
State of Nebraska AS Central Finance	Ser	58.15
State of Nebraska Dept. Correctional Serv.	Boarding Prisoner, Medical	2,623.11
State of Nebraska Dept. of Motor Vehicle	Ser	4.00
Total Funds by Hasler	Post	700.00
University of Nebraska College of Law	Sup	7.50
Brandy VanDeWalle	Meals, Mile	172.87
Webster County Court	Ser	7.00
Williams Exterminating, Inc.	Ser	110.00
York County Sheriff	Ser	38.50
Special Election – Payroll	Salaries	399.93
Payroll	Salaries	39,518.39

ROAD/BRIDGE FUND:

Ameritas Life Insurance Corp.	Ret	1,607.91
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Farm Plan	Parts, Rep	227.28
Gambles	Sup	30.26
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,801.38
Ralph Gould	Ret	18.00
Donoavan Jirkovsky	Ret	25.00
Kerry's Auto Repair & Service	Sup, Rep	72.00
Lichti Oil	Fuel	6,756.89
NMC Exchange, LLC	Parts	136.28
Nebraska Public Power District	Uti	379.66
Office Depot Credit Plan	Equip, Sup	401.95
Orscheln	Parts	189.99
Perennial Public Power	Uti	46.28
Speece Lewis Engineers	Ser	45.50
Windstream	Uti	143.87
Payroll	Salaries	24,567.44

ECONOMIC DEVELOPMENT – TOURISM:

Fillmore County Development Corp.	Housing Study	2,096.00
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INSTITUTIONS FUND:

State of Nebraska Health & Human Serv.	June Patient care	90.00
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SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Geneva State Bank	SS	169.64
Shell Fleet Plus	Fuel	6.43
Payroll	Salaries	2,233.94

NOXIOUS WEED FUND:

Ameritas Life Insurance Corp.	Ret	83.84
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	229.85
Payroll	Salaries	3,009.53

E911 COMMUNICATIONS FUND:

Nebraska Public Power District	Uti	138.27
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CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

APPROINT BUDGET MAKING AUTHORITY

Simacek moved and Galusha seconded the motion to appoint County Clerk, Amy Nelson the budget making authority for the county for the current fiscal year as provided by a resolution adopted January 10, 2006. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SPANISH ACRES SUBDIVISION

After discussion, Mueller moved and Cerny seconded the motion to approve the Spanish Acres Subdivision plat surveyed in January 1975, which was never approved. The Board is approving this plat to assist the Register of Deeds office in filing documents regarding this subdivision.

A tract of land comprising a part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section One (1), Township Six (6) North, Range Three (3) West of the 6th P.M., Fillmore County, Nebraska and more particularly described as follows: beginning at a point on the south line of said SE ¼, SE ¼, said point being 63.8 feet west of the southeast corner of said SE ¼, SE ¼ and also being a point on the west right of way line of U. S. Highway 81; thence running northerly along said right of way line a distance of 808.63 feet; thence running westerly parallel to the north line of said SE ¼, SE ¼ a distance of 190.8 feet; thence running northerly, parallel to the east line of said SE ¼, SE ¼ a distance of 510 feet to a point on the north line of said SE ¼, SE ¼; thence running westerly along the north line of said SE ¼, SE ¼ a distance of 204 feet; thence running southerly parallel to the east of said SE ¼, SE ¼ a distance of 946 feet; thence running easterly parallel to the north line of said SE ¼, SE ¼ a distance of 347.02 feet; thence running southerly parallel to said Highway right of way line a distance of 372.74 feet to a point on the south line of said SE ¼, SE ¼; thence running easterly along the south line of said SE ¼, SE ¼ a distance of 48 feet to the point of beginning and containing 6.802 acres more or less. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

BAILIFF BUDGET REQUEST

District Judge, Vicky Johnson submitted the bailiff budget request for 2009-2010 in the amount of \$8,852.37, which is a \$2,507.50 higher than fiscal year 2008-2009. Budget request will be discussed later this summer.

DRIVEWAY PERMIT

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

Steve Ewalt – install a new 40’ driveway on the east side of the NE ¼, Section 10-6-3, Stanton Township;
Dave Wythers – install a new 40’ driveway on the north side of the NW ¼, Section 15-7-2, Madison Township.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

CLEAN SILT PERMITS

Galusha moved and Mueller seconded the motion to approve the following application for clean silt permit:

Steve Heinrichs – clean silt from the County Road ditch along the south and west side of the SW ¼, Section 16-6-4, 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

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

Windstream – bury communications between Sections 25, 26, 23, and 24-7-3, Geneva Township. 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: Simacek, Cerny, Mueller, Galusha, Capek, and Yates
Nays: None

The Chairman declared the motion carried.

CONDEMNATION IN STANTON TOWNSHIP

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

RESOLUTION 2009-24

WHEREAS, it is in the public interest to replace a deficient bridge, upgrade a section of Fillmore County roadway to current safety standards, and relocate a segment of Turkey Creek tributary in the Northeast Quarter (NE ¼) of Section Twelve (12), Township Six (6) North, Range Three (3) West of the 6th P.M. in Fillmore County, Nebraska and the Southeast Quarter (SE ¼) of Section One (1), Township Six (6) North, Range Three (3) West of the 6th P.M. in Fillmore County, Nebraska;

WHEREAS, the Nebraska Department of Environment Quality and the Department of the Army Corp of Engineers have approved or permitted this proposed project known as project number FIC-30(318);

WHEREAS, there have been reasonable efforts to negotiate in good faith with the owner of the Northeast Quarter (NE ¼) of said Section Twelve (12) but that Fillmore County has been unable to purchase the real estate and easements necessary for the project;

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of Fillmore County, Nebraska, that Daniel L. Werner be authorized and directed to proceed with actions in court on behalf of Fillmore County, Nebraska, to condemn the real estate in the Northeast Quarter (NE ¼) of said Section Twelve (12) for the construction and completion of said improvements in accordance with the plans, permits and authorizations for this project number FIC-30(318).

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

UTILITY AGREEMENT WITH PERENNIAL

After discussion, Mueller moved and Capek seconded the motion to approve the utility agreement with Perennial Public Power for project BRO-7030(33) between Sections 27/28 and 33/34-7-2, Madison Township at no cost to the County. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

MADISON TOWNSHIP DRAINAGE

After discussion, the Board decided to have a public hearing regarding the drainage issues in Section 22, Madison Township on August 25, 2009 at 9:45 a.m. Marlene Buerer was present for this discussion.

BIDS FOR ENGINEERING SERVICES FOR PROJECT IN GENEVA TOWNSHIP

Bids for engineering services were opened at 9:45 a.m. The following bids were received:

<u>Engineering Firm</u>	<u>Primary Engineering</u>	<u>Construction Engineering</u>	<u>Total Cost</u>
Speece-Lewis Engineers	\$9,500.00	\$10,575.00	\$20,075.00
Mainelli Wagner & Associates	\$7,783.69	\$10,850.00	\$18,633.69

Highway Superintendent, Elmer Hessheimer will review the bids and bring his recommendation to the Board at the August 11, 2009 meeting.

MOTOR GRADER ISSUES

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Chad McDaniel with NMC informed the Board of the motor grader issues that Fillmore County is having with the new machine purchased last year. NMC will be keep the Board informed regarding extending the warranty on this machine.

LINCOLN AREA ON AGING

June Pederson and Denise Boyd with Lincoln Area on Aging presented the annual report and budget request for 2009-2010. Budget request is \$10,332.00 which is \$863.50 increase from fiscal year 2008-2009. Request will be decided with the budget process later this summer.

SPECIAL USE PERMIT HEARING

Opened public hearing for a special use permit at 10:49 a.m., as no one appeared to testify for or against this permit the hearing was closed at 11:07 a.m.

SENIOR SERVICES UPDATE

Brenda Motis, Senior Services Director presented an update as to what Senior Services have been doing this last year as well as goals for next year.

SPECIAL USE PERMIT

After discussion, Cerny moved and Capek seconded the motion to approve the special use permit for Darrell Mosier located in the NE ¼, Section 16-5-3, Hamilton Township. This will allow the capacity to go from 950 finisher swine to 1,450 swine. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

SICK DAY BANK

Capek moved and Simacek seconded the motion to approve additional time to be used from the sick day bank for Terry Marshall. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

USDA AGREEMENT

After discussion, Capek moved and Mueller seconded the motion to approve and sign the agreement with United States Department of Agriculture for Animal, Plant and Wildlife services in the amount of \$7,487.00 beginning July 1, 2009 and ending June 30, 2010. The Board will send a letter to all villages to inform them of this service. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items "update from Blue Cross Blue Shield and peddler permits" will be discussed at a future Board meeting. As there were no other items to come before the Board, Mueller moved and Galusha seconded the motion to adjourn until 9:10 a.m., August 11, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman