

The Fillmore County Board of Supervisors convened in open and public session at 9:30 a.m., September 8, 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 11:35 a.m.

MINUTES APPROVED

Chairman of the Board, Yates approved the minutes of the August 25, 2009 Board meeting as presented.

DRIVEWAY PERMIT

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

Dan Aspegren – install a new 40' driveway on the west side of the SW ¼, Section 28-7-2, Madison Township;

Schelkopf Farms, LLC – install three new 40' driveways on the east side of the NE ¼, Section 2-5-3, Hamilton 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.

MADISON TOWNSHIP DRAINAGE

Gean & Marlene Buerer were present for the discussion regarding the Madison Township drainage in Sections 16 and 21.

After discussion, Mueller moved and Simacek seconded the motion to have Speece Lewis prepare a Corp permit for Sections 16 & 21, Madison Township. Upon roll call, the vote was as follows:

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

Nays: Kimbrough

The Chairman declared the motion carried.

FLOODPLAIN PERMIT, GLENGARY TOWNSHIP

After discussion, Cerny moved and Mueller seconded the motion to approve the floodplain permit between Sections 29 & 30, Glengary Township. This will replace a 17' concrete bridge with a twin 10' x 8' concrete box culvert, roadway grading, channel grading, erosion control, and seeding. 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.

TREES IN WEST BLUE TOWNSHIP

After discussion, Galusha moved and Mueller seconded the motion to direct the Highway Superintendent to conduct a traffic study on Road 11, between Hwy 6 and Road E unless the Railroad will be putting up stop signs at all railroad crossings. Upon roll call, the vote was as follows:

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

Nays: Capek

The Chairman declared the motion carried.

CORRECT RESOLUTION

After discussion, Kimbrough moved and Simacek seconded the introduction of the following resolution to correct an error in Resolution 2000-29, stating that it would stop "North & South bound traffic":

RESOLUTION 2009-30

In accordance with the standards set forth in the Manual on Uniform Traffic Control Devices, as from time to time amended, and

WHEREAS, it is in the best interest of Fillmore County, Nebraska, to establish and maintain proper consistent highway signing in conformity with said manual,

The Fillmore County Highway Department therefore requests formal approval to place, erect, and maintain traffic control devices on Fillmore County Roads at the following locations:

<u>TYPE OF DEVICE</u>	<u>LOCATION</u>
STOP sign	at the intersection of Roads C and 15 stopping East and West bound traffic

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this request is approved this 8th day of September 2009.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

LAW ENFORCEMENT INTERLOCAL AGREEMENT

Rod Norrie, Mayor City of Geneva, Kyle Svec, City of Geneva Administrator, and William Burgess County Sheriff attended during this discussion.

After discussion, Mueller moved and Cerny seconded the motion to approve a two year agreement with the City of Geneva regarding law enforcement in the City of Geneva. This agreement will also include a 4% increase and allow the Board Chairman, County Clerk, and County Attorney to sign the agreement once completed. 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.

FEE REPORTS

Capek moved and Mueller seconded the motion to approve the fee reports for August 2009:

County Clerk: \$5,973.25 (State \$3,290.09 & County \$2,683.16)
Sheriff: \$2,605.89
Clerk of District Court: \$463.19

Upon roll call, the vote is as follows:

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

The Chairman declared the motion carried.

PUBLIC HEALTH BOARD

Eric Williams presented his resignation from the Public Health Solutions board effective December 31, 2009. Eric will assist the Board in finding a replacement.

NOXIOUS WEED BUILDING IN EXETER

The hearing regarding selling lot 272 and the south 1/2 of lot 271, original town in Exeter was opened at 11:01 a.m. as advertised. Hearing closed at 11:18 a.m. as no one appeared to testify.

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, Misc.	3,290.90
Ameritas Life Insurance Corp.	Ret	2,912.43
Jon Anderson	Uni	35.00
Joseph N. Bixby, DR	Ser	2,223.00
Black Hills Energy	Uti	53.51
William L. Burgess	Uni	35.00
Daryl L. Callenius	Uni	35.00
Central Nebraska Refrigeration, Inc.	Rep, Equip	1,402.15
Century Lumber Center	Sup	15.99
City of Geneva	Uti	205.20
Constellation Energy	Uti	3.52

September 8, 2009

Custer County Sheriff	Ser	53.38
Dawson County Sheriff	Sup	2.75
Duckwall – Alco Stores, Inc.	Sup	59.03
Earls Window Service	Ser	5.00
Erdkamp Motors	Main	36.00
Executive Copier Systems, Inc.	Ser	65.09
Faith Regional Health Services	Ser	66.12
Fillmore County Treasurer	Transfers, Wksh, Post	413,524.02
First Concord Group, Inc.	Ser	174.00
Geneva Broadband, LLC	Rep	122.50
Geneva State Bank	SS	3,081.08
Geneva TV & Appliance, Inc.	Equip	490.95
Robert Hester	Uni	35.00
Hometown Leasing	Ser	524.85
Jim's Repair	Main	34.75
JS Wurm & Associates	Ser	79.25
Steve Julich	Uni	35.00
Lancaster County Sheriff	Ser	19.16
Lynn Peavey Company	Sup	83.84
Madison National Life	Insur	10.68
MIPS, Inc.	Ser	2,499.01
The Nebraska Signal	Pro, Ads, Sup	730.13
Norrie Construction	Rep	94.56
O'Keefe Elevator Company, Inc.	Main	222.76
Lyndsey Pohlmeier	Mile	60.50
Ralph's Geneva Tire & Service Center	Rep, Main	556.15
Region V Systems	Ser	550.00
Wes Rippe	Lodging	47.39
Steven G. Roemmich	Uni	35.00
Secretary of State Election Division	Wksh	25.00
Seiler & Parker, P.C.	Ser, Mile	416.00
State of Nebraska AS Central Finance	Ser	448.00
State Marshall for Windham, County, CT	Ser	42.90
Total Funds by Hasler	Post	700.00
UN-L IS Telecommunications	Uti	10.62
US Bank CPS	Wksh	36.00
USDA, APHIS	Ser	1,835.00
USI Education & Government Sales	Sup	154.19
Brandy VanDeWalle	Meals, Mile	16.57
Windstream	Uti	229.82
Payroll	Salaries	42,664.84

ROAD/BRIDGE FUND:

Alltel	Uti	87.34
Ameritas Life Insurance Corp.	Ret	1,608.77
Auto Value Parts Stores	Parts, Sup	525.03
Baum Hydraulics	Parts	20.60
Black Hills Energy	Uti	61.42
Century Lumber Center	Parts, Sup	64.95
City of Geneva	Uti	60.20
Corner Stop	Fuel	2,196.39
Filter Care of Nebraska	Parts	31.30
Friesen Chevrolet, Inc.	Parts	91.02
Geneva Implement	Parts	252.02
Geneva State Bank	SS	1,806.51
Geneva Welding & Supply, Inc.	Sup	30.00
Grafton Oil	Sup, Rep	1,132.45
Lichti Oil	Fuel, Parts	7,397.64
Michl Service	Fuel	55.00
Nebraska Iowa Industrial Fasteners	Sup	186.48
The Nebraska Signal	Sup	21.28
Newman Traffic Signs	Sup	746.98
Nichols Construction	Gravel	30,668.17
Overland Sand & Gravel	Gravel	21,312.95
Perennial Public Power	Uti	31.81
Power Plan	Parts	888.91
R & D Parts	Sup	130.44
Ralph's Geneva Tire & Service	Rep	23.00
Shell Fleet Plus	Fuel	709.80
Speece Lewis Engineers	Ser	2,502.50
Village of Exeter	Uti	15.00
Village of Grafton	Uti	21.07
Payroll	Salaries	24,634.42

ECONOMIC DEVELOPMENT – TOURISM:

Mary E. Johnson	Mile	50.05
-----------------	------	-------

SENIOR SERVICES FUND:

Ameritas Life Insurance Corp.	Ret	133.86
-------------------------------	-----	--------

September 8, 2009

Eakes Office Plus	Sup	182.43
Exeter Care Center	HDM's	305.00
Fillmore County Treasurer	Post	138.00
Geneva Senior Center	Rent, Sup	45.00
Geneva State Bank	SS	171.06
Hometown Leasing	Ser	56.64
Bette Mattox Manning	Ser	120.00
Brenda Motis	Mile	167.75
Ron's Tavern	HDM's	125.00
Windstream	Uti	10.76
Payroll	Salaries	2,252.52

INHERITANCE TAX FUND:

Countryside Vet Clinic	Mile, Ser	121.56
Fillmore County Treasurer	Transfer	5,000.00
Dean Olson	Care of Horses	7,385.00

HOSPITAL OPERATING FUND:

Fillmore County Hospital	August Taxes	22,817.39
--------------------------	--------------	-----------

NOXIOUS WEED FUND:

Alltel	Uti	39.23
Ameritas Life Insurance Corp.	Ret	73.98
City of Geneva	Uti	7.50
Geneva State Bank	SS	83.47
Grafton Mini Mart	Fuel	50.00
Lichti Oil	Fuel	145.83
Walk It Transportation	Sup	60.00
Payroll	Salaries	1,096.00

CLAIMS APPROVED

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

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

The Chairman declared the motion carried.

AMERICAN LEGION DAY

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

RESOLUTION 2009-31

WHEREAS, on September 16, 1919, Congress issues the American Legion a Federal charter;

WHEREAS, the American Legion, a veterans service organization, remains active at the National, State, and local levels;

WHEREAS, American Legion members, known as Legionnaires, donate millions of volunteer hours in the Department of Veterans Affairs medical facilities and State Veterans Homes;

WHEREAS, the American Legion sponsors and supports a number of activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

WHEREAS, the American Legion awards millions of dollars in college scholarships;

WHEREAS, the American Legion National Emergency Fund provides financial assistance to Legionnaires who are displaced by natural disasters;

WHEREAS, the American Legion Family Support Network provides assistance to members of the Armed Forces and their families;

WHEREAS, the American Legion stands for and provides education to foster 100% Americanism of its members and the public and are the supports of communities and County's across the nation;

WHEREAS, the Legionnaires believe a veteran's service to the United States goes on long after the Veteran is discharged from the Armed Forces; and

WHEREAS, many Americans recognize September 16 of each year as American Legion Day

NOW, THEREFORE, BE IT resolved that the Fillmore County Board of Supervisors call upon the people of Fillmore County to observe American Legion Day.

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.

ECONOMIC DAMAGE BY CONSERVATION

After discussion, Mueller moved and Kimbrough seconded the motion to send a letter to the Governor, Senator Karpisek, Congressman Smith, and Director of Nebraska Department of Agriculture regarding economic damage by conservation. Upon roll call, the vote was as follows:

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

Upon roll call, the vote was as follows

SPANISH ACRES SUBDIVISION

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

RESOLUTION 2009-32

WHEREAS, on January 24, 1975, Thomas L. Jordan, licensed surveyor #179, prepared a survey and plat of a proposed subdivision in Fillmore County which was to be known as "Spanish Acres Subdivision" and which plat was filed for record in Book 1 at Page 37 of the original plat book for Fillmore County, Nebraska on February 18, 1975 and which plat was prepared on behalf of and on the request of Norman D. Erisman and Mary Ann Erisman; and

WHEREAS, the plat of Spanish Acres Subdivision heretofore described was never approved by the Fillmore County Board of Supervisors; and

WHEREAS, on August 21, 2009, Calvin W. Fort Jr. and Diane G. Fort have filed an Affidavit with the Board of Supervisors for the County of Fillmore requesting that the Board of Supervisors prepare, file, and pass a resolution approving the Spanish Acres Subdivision plat as surveyed in 1975 as a legal Subdivision of Fillmore County, Nebraska, so as to correct any defect in title with respect to any deeds describing lots or real estate with references to Spanish Acres Subdivision; and

WHEREAS, the Board of Supervisors of Fillmore County, Nebraska, pursuant to Section 76-2110 (2) does have the authority to waive, prospectively waive and/or retroactively waive the 120 day period of time in which to object to or record an objection to the validity of any deeds previously recorded or hereinafter to be recorded concerning real estate in Spanish Acres Subdivision.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Fillmore County, Nebraska does:

1. Waive its authority under Section 76-2110(2) to object to the request made in the Affidavit filed with the Registrar of Deeds concerning approval of Spanish Acres Subdivision or any deeds describing Lots in Spanish Acres Subdivision.
2. Waive, prospectively waive or retroactively waive the 120 day waiting period concerning its rights to object to the recording of any deeds containing a description of Lots in Spanish Acres Subdivision.
3. Hereby approve the Spanish Acres Subdivision plat surveyed in January of 1975 and does hereby approve the plat as a subdivision of Fillmore County, Nebraska and does further direct the Registrar of Deeds of Fillmore County, Nebraska, to enter upon its records the plat of Spanish Acres Subdivision as a legal Subdivision of Fillmore County, Nebraska.
4. Direct the Registrar of Deeds of Fillmore County, Nebraska to accept and record any and all deeds wherein Lots in the Subdivision known as Spanish Acres Subdivision are described.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADJOURNMENT

Agenda items "Update from Hospital and American Recovery & Reinvestment Act of 2009" were tabled until a future 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., September 22, 2009. 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.

Attest

Chairman