

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., September 22, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, Galusha, and Capek. Capek absent at 11:40 a.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 1:25 p.m.

MINUTES APPROVED WITH CORRECTION

Chairman of the Board, Yates approved the minutes of the September 8, 2009 Board meeting with the following correction to the interlocal agreement with the City of Geneva for Law Enforcement. The contract amount is \$131,559.96 a year beginning October 1, 2009 and ending September 30, 2011.

AMERICAN RECOVERY & REINVESTMENT ACT OF 2009

Patt Lentfer, Fillmore County Development Corp. administrator informed the Board that she had visited with Richard Baier, Director of Department of Economic Development to discuss the American Recovery & Reinvestment Act of 2009. After their discussion, Richard informed Patt that unless Fillmore County had a project already in the works that the County should waive the funds at this time due to the timing.

After discussion, Mueller moved and Capek seconded the motion to waive the Recovery Zone Bond Volume Cap Allocation as the County has no projects in the works that would qualify. 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.

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	526.79
Ameritas Life Insurance Group	Ret	2,709.31
Aramark Uniform Services, Inc.	Ser	633.16
American Legion Emblem Sales	Sup	386.35
Jon Anderson	Uni, Meals	40.35
Blue Cross Blue Shield of Nebraska	Insur	18,238.44
William L. Burgess	Uni, Meals	57.21
Daryl L. Callenius	Uni	35.00
Marilyn Christiancy	Ret	25.00
City of Geneva	Rent	484.00
Corner Stop	Fuel	344.97
Dell Marketing, L.P.	Equip	1,462.03
Eakes Office Plus	Sup	574.88
First Concord Group, Inc.	Insur	2,471.00
Gage County Clerk	Funding	3,014.30
Gambles	Sup	110.06
The Garbage Company	Ser	161.63
Geneva State Bank	SS	2,824.65
Geneva Super Foods	Sup	676.41
Norma Gregory	Ret	25.00
Hasler Financial Services	Ser	152.37
Robert Hester	Uni	35.00
Headstart CFDP, Inc.	Funding	10,000.00
Hilty's	Sup	16.72
Hometown Leasing	Ser	128.44
JEO Consulting Group, Inc.	Ser	500.00
Jill's Sweet Shop	Food	220.74
Steve Julich	Uni	35.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	2,653.14
Knoche Appraisal & Consulting, LLC	Ser, Mile	2,931.20
Stephen J. Kraviec	Ser, Post	1,705.57
Louderback Drug	Sup	16.68
Madison National Life	Insur	10.68
Ann H. McDonald	Ret	18.00
MIPS, Inc.	Sup	113.35
Rich Mueller/Thomas Biegert	Rent	650.00
Nebraska Public Power District	Uti	2,441.31
Nick's Farm Store Co.	Sup	25.50

Region V Services	Funding	2,952.25
Steven G. Roemmich	Uni	35.00
Kirk Rust	Uni	200.00
Shell Fleet Plus	Fuel	2,046.46
Southeast Nebraska Development Dist.	Funding	7,303.00
State of Nebraska AS Central Finance	Ser	48.25
State of Nebraska Dept. Correctional Svcs	Boarding Prisoners	844.54
State of Nebraska Dept. of Motor Vehicle	Sup	12.00
UN-L IS-Telecommunications	Uti	10.62
Weaver Pharmacy	Sup	214.59
Eric Williams	Mile, Post	161.26
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,143.22
Payroll	Salaries	39,312.79
<u>ROAD/BRIDGE FUND:</u>		
A-L Irrigation, LLC	Sup	45.00
Ameritas Life Insurance Corp	Ret	1,607.03
Blue Cross Blue Shield of Nebraska	Insur	11,606.28
Cottonwood Title Company	Ser	400.00
Dorchester Farmers Coop	Fuel	2,279.90
Dultmeier Sales	Rep, Parts	657.82
Gambles	Sup, Rep	131.71
The Garbage Company	Ser	78.76
Geneva State Bank	SS	1,804.74
Ralph Gould	Ret	18.00
Donovan Jirkovsky	Ret	25.00
Lichti Oil	Fuel	12,790.10
NMC Exchange, LLC	Parts, Sup	616.45
National Sign Company, Inc.	Sup	1,262.64
Nebraska Public Power District	Uti	341.28
Office Depot Credit Plan	Sup	67.98
Superior Deshler Inc.	Fuel	54.59
US Postal Service	Post, Sup	270.60
Donna Saltzman	Ser	25.00
Village of Fairmont	Uti	36.61
Windstream	Uti	144.52
Payroll	Salaries	24,611.38
<u>ECONOMIC DEVELOPMENT – TOURISM FUND:</u>		
Fillmore County Development Corp.	Mile, Post, Wksh, Sup	717.53
<u>INSTITUTIONS FUND:</u>		
State of Nebraska Health & Human Svcs	Aug. Patient Care	93.00
<u>SENIOR SERVICES FUND:</u>		
Ameritas Life Insurance Corp.	Ret	133.86
Blue Cross Blue Shield of Nebraska	Insur	1,105.36
Dawg's Smokehouse Café	HDM's	143.00
Exeter Care Center	USDA	49.59
Fairmont Aging Services	USDA	240.54
Geneva Senior Center	USDA	656.07
Geneva State Bank	SS	172.13
Shell Fleet Plus	Fuel	2.32
US Bank CPS	Sup	86.97
Windstream	Uti	130.91
Payroll	Salaries	2,266.46
<u>INHERITANCE TAX FUND:</u>		
Fillmore County Veteran's Relief Fund	Misc	2,000.00
<u>NOXIOUS WEED FUND:</u>		
Ameritas Life Insurance Corp.	Ret	73.98
Blue Cross Blue Shield of Nebraska	Insur	552.68
Merlin Ehmen	Ret	22.00
Geneva State Bank	SS	83.47
Payroll	Salaries	1,096.00
<u>E911 COMMUNICATIONS FUND:</u>		
Nebraska Public Power District	Uti	144.01
Windstream	Uti	1,004.85

CLAIMS APPROVED

Simacek moved and Cerny seconded the motion to approve the claims as presented. 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.

REGION V SYSTEMS

After discussion, Mueller moved and Kimbrough seconded the motion to allow the budget increase from Region V Systems in the amount of \$142.00 for mental health and substance abuse for fiscal year 2009-2010, due to miscommunication. 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.

WITHDRAWING SECURITY

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

RESOLUTION 2009-33

RESOLVED, that the Cornerstone Bank., Geneva, Nebraska, be allowed to withdraw the following security held by Union Bank & Trust Company to-wit:

CUSIP #727771FE2 in the amount of \$95,000.00

Upon roll call, the vote as follows:

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

The Chairman declared the resolution adopted.

OCCUPY COUNTY RIGHT-OF-WAY

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

Windstream Nebraska, Inc. – install communication line between the SE ¼, Section 13-7-4, Bennett Township and the SW ¼, Section 18-7-3, Geneva Township. Windstream Nebraska, Inc. agrees to cooperate fully with the officials of Fillmore County and will keep them informed of all construction or maintenance work required. 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.

STOP SIGN AT RAILROAD CROSSING

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

RESOLUTION 2009-34

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 railroad crossing on Road 11 between Hwy. 6 and Road E, stopping south bound traffic

NOW THEREFORE Be It Resolved by the Fillmore County Board of Supervisors that this request is approved this 22nd day of September 2009.

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.

ANNUAL REPORT

Kimbrough moved and Galusha seconded the motion to approve the annual Roads Department report as presented by the Highway Superintendent. 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.

NUISANCE TREES

After discussion, Capek moved and Galusha seconded the motion to declare the trees along Road 17 between Hwy. 6 & Road G and Road F between Road 17 & Road 18 a nuisance. 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.

TRIM TREES

After discussion, Galusha moved and Simacek seconded the motion to trim the trees between Sections 9 and 10, Grafton Township. 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.

MOTOR GRADER BIDS

Bids for a new motor grader were opened at 9:45 a.m. as advertised. The following bids were received:

<u>Bidder</u>	<u>Make/Model</u>	<u>Cash Price</u>	<u>Trade-In Price</u>
NMC, Inc., Lincoln	2007 Cat / 12H	\$152,168.00	\$104,168.00
NMC, Inc., Lincoln	2010 Cat / 12M	\$188,784.00	\$140,784.00
Scott Van Keppel, Omaha	2008 Volvo / G930	\$172,139.00	\$138,139.00
Titan Machinery, Lincoln	2009/10 Case / 865VHP	\$201,113.00	\$149,113.00
Murphy Tractor, Grand Island	2009 John Deere / 770G	\$199,060.00	\$146,060.00
Murphy Tractor, Grand Island	2009 John Deere / 670G	\$188,772.00	\$135,772.00
Murphy Tractor, Grand Island	2007 John Deere / 672D	\$165,953.00	\$112,953.00

After discussion, Kimbrough moved and Cerny seconded the motion to accept all bids and have the Road's Department go and inspect the used Cat 12H and the John Deere 672D and report back to the October 13th Board meeting for a final decision. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

PUBLIC HEARING FOR BRIDGE REPLACEMENT CHELSEA TOWNSHIP

Public hearing was opened at 10:18 a.m. as advertised to hear public comments regarding replacement of a bridge on the east side of Section 36, Chelsea Township. No one appeared to testify for or against this project, Highway Superintendent had received a few phone calls, hearing closed at 10:35 a.m.

HUBER SUBDIVISION

Planning and Zoning Administrator, Geraldine Daniels submitted a plat for the Huber Subdivision, located in the SE 1/4, Section 7-8-4, Grafton Township.

Cerny moved and Galusha seconded the motion to approve the plat for the Huber Subdivision as follows:

A tract of land comprising a part of the SE 1/4 of Section 7, township 8 north, range 4 west of the 6th P.M., Fillmore County, Nebraska, described as follows: beginning at the SE corner of said SE 1/4, and assuming the south line of said SE 1/4 to have a bearing of N89°26'44"W; thence N89°26'44"W, and on the south line of said SE 1/4, 459.05 feet to a 3/4" rebar w/cap; thence N01°25'27"W, 254.11 feet to a 3/4" rebar w/cap; thence N03°47'47"E, 175.68 feet to a 3/4" rebar w/cap; thence N16°27'56"E, 269.92 feet to a 3/4" rebar w/cap; thence S89°12'53"E, 375.90 feet to a 3/4" rebar w/cap on the east line of said SE 1/4; thence S00°06'42"E, and on the east line of said SE 1/4, 687.46 feet to the point of beginning and containing 7.00 acres more or less of which 0.84 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.

DITCH CLEANING GRAFTON TOWNSHIP

After discussion with Deputy County Attorney Howard Ach, Mueller moved and Galusha seconded the motion to retract charges for cleaning the ditch in the NE ¼, Section 18, Grafton Township and have the County Attorney's office send a letter to landowners attorney. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

After further discussion, the Board directed the Deputy County Attorney to write a letter to the landowner's attorney and inform them that invoices are due for the ditch cleaning that the County Road's Department did earlier this spring pursuant to Nebraska Statute.

SALE OF BUILDING IN EXETER

The sale of lot 272 and the south ½ of lot 271, original town in Exeter opened at 1:15 p.m. as advertised. Bid received from Farmer's Cooperative Company in the amount of \$4,000.00.

Cerny moved and Kimbrough seconded the motion to accept the bid for the Noxious Weed Building in Exeter in the amount of \$4,000.00. County Attorney's office will draw up the deed to transfer the land and will get title insurance. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

Agenda items "budget request from SENDD & juvenile diversion" were tabled until 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 9:10 a.m., October 13, 2009. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman