

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., November 24, 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 11:32 a.m.

#### **MINUTES APPROVED**

Chairman of the Board, Yates approved the minutes of the November 10, 2009 Board meeting.

#### **PUBLIC HEALTH BOARD**

Simacek moved and Galusha seconded the motion to appoint Paul Utemark to the Public Health Solutions board to replace Eric Williams who resigned, term to begin immediately and end December 31, 2012. 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.

#### **SAFETY COMMITTEE**

Cerny moved and Mueller seconded the motion to appoint Richard Ellison to the Safety Committee to fulfill Terri Volkmer's vacancy, term ending December 31, 2009. 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.

#### **SOUTHEAST NEBRASKA REGIONAL EMERGENCY MANAGEMENT GROUP**

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

#### **RESOLUTION 2009-41**

**WHEREAS**, the Nebraska Emergency Management Agency and the Nebraska Governors Homeland Security Policy Group act as the State Administrative Agency for Homeland Security within the State of Nebraska, and

**WHEREAS**, Fillmore County has elected to participate in the Emergency Management and Homeland Security Programs set forth by Federal and State agencies, and

**WHEREAS**, by participation in said Emergency Management and Homeland Security Programs, Fillmore County is part of a 14-county emergency management region established by the State of Nebraska for purposes including but not limited to Interoperable Communication Planning and System Implementation, Disaster Planning, the Emergency Management, Homeland Security & Interoperable Communications Grant Programs, and other programs as prescribed by State and Federal authorities, and

**WHEREAS**, by participating in the 14-county Southeast Nebraska Regional Emergency Management Group, Fillmore County must appoint at minimum one person to serve as a member of and participate in the regional governance board to the full extent as permitted and required by the needs of the program. Authority of said appointee shall not exceed authority granted by State Statute and/or policy and procedures of Fillmore County. Such appointment shall be at the pleasure of the governing authority of said County and be perpetual for the duration of the Southeast Regional Governance Board unless the appointee is removed from the position for just cause. Such appointment shall be reviewed each year at the annual organization meeting of the County Board.

The Fillmore County Board of Supervisors does hereby appoint the Fillmore County Emergency Manager Director, Deputy Emergency Manager, and the Fillmore County Sheriff to the Southeast Regional Governance Board to fulfill all duties as required by the regional Emergency Management Group.

This appointment is considered to be retroactive to the commencement of the region.

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.

#### **RURAL APREHENSION PROGRAM**

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

**RESOLUTION 2009-42**

**WHEREAS**, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort: and

**WHEREAS**, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 20 #09-DA-307); and

**WHEREAS**, the RAP project has been funded by the Nebraska Crime Commission; and

**WHEREAS**, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organizations that will accord best with geographic, economic, population, and other factors; and

**WHEREAS**, an interlocal agreement, consistent with Nebraska Revised Statutes 13801 et.seq, would be in the best interest of all participating agencies; and

**WHEREAS**, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the RAP objectives and grant requirements of the Nebraska Crime Commission.

**BE IT RESOLVED THAT:** The County of Fillmore authorizes William L. Burgess to enter the County of Fillmore into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801).

Amount of match dollars allocated by the County of Fillmore for the 2009-2010 grant period (RAP 20) will be \$3,317.00 (2000 census 6,634 x \$0.50)

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.

**SECTION 125**

After discussion, Kimbrough moved and Cerny seconded the motion to have First Concord pay the provider directly once the employee meets the \$500.01 deductible and not the employee effective January 1, 2010. 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.

**CUSTODIAN INTRODUCTION**

Chairman introduced Richard Ellison as the new custodian for the Courthouse.

**COUNTY CAR**

Effective immediately there will be two county cars that will be available to employees needing to travel on county business.

**DRIVEWAY PERMITS**

Kimbrough moved and Cerny seconded the motion to approve the following applications for driveway permits:

Aubrey Saltzman – widen an existing driveway to 40’ on the south side of the SW ¼, Section 16-5-3, Hamilton Township;

Saltzman Brothers – widen existing driveway to 40’ on the north side of the NW ¼, Section 22-5-3, Hamilton Township;

Kenneth Griess – replace existing driveway on the south side of the SW ¼, Section 4-8-4, Grafton Township.

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.

**FLOODPLAIN PERMIT FOR #C003003705**

After discussion, Cerny moved and Mueller seconded the motion to approve the floodplain permit for Project #C003003705 between Section 31-6-1, Glengary Township and Section 36-6-2, Chelsea Township. This project will remove the bridge, roadway grading, construct a triple 14'x10' box culvert, erosion control, and seeding. 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.

**EROSION CONTROL IN WEST BLUE TOWNSHIP**

After discussion, Mueller moved and Capek seconded the motion to approve the erosion control into County ROW on the east side of Section 11, West Blue Township. 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.

**TREE TRIMMING IN FRANKLIN TOWNSHIP**

After discussion, Cerny moved and Mueller seconded the motion to direct the Highway Superintendent to trim the trees in the County ROW along the east side of County Road 24, between Road S and Highway 74. 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.

**CONCRETE BOX CULVERT BIDS**

Bids for the following concrete box projects, #C-30(318), Stanton Township and #C003003705, Chelsea Township were opened at 9:45 a.m. as advertised. Tim Farmer with Speece Lewis Engineers was present while opening the bids. The following bids were received (Alternate #1, contractor doing all grading and Alternate #2, County will do the grading):

| <b><u>Bidder on Project #C-30(318)</u></b>           | <b><u>Alternate #1</u></b> | <b><u>Alternate #2</u></b> |
|--|----------------------------|----------------------------|
| Simon Contractors, North Platte, NE                  | \$150,366.71               | \$124,360.82               |
| Van Kirk Brothers, Sutton, NE                        | \$109,472.54               | \$ 86,671.54               |
| TCW Construction Inc., Lincoln, NE                   | \$122,597.76               | \$ 96,818.57               |
| Stephens & Smith Construction Co., Inc., Lincoln, NE | \$134,269.10               | \$ 94,392.12               |
| ME Collins Contracting Co., Inc., Wahoo, NE          | \$109,923.72               | \$ 86,105.22               |
| <br>   |                            |                            |
| <b><u>Bidder on Project #C003003705</u></b>          | <b><u>Alternate #1</u></b> | <b><u>Alternate #2</u></b> |
| Simon Contractors, North Platte, NE                  | \$230,318.24               | \$173,929.10               |
| Van Kirk Brothers, Sutton, NE                        | \$178,197.56               | \$140,616.66               |
| TCW Construction Inc., Lincoln, NE                   | \$175,742.66               | \$141,034.83               |
| Stephens & Smith Construction Co., Inc., Lincoln, NE | \$192,838.01               | \$143,692.84               |
| ME Collins Contracting Co., Inc., Wahoo, NE          | \$156,846.79               | \$135,469.82               |

Kimbrough moved and Mueller seconded the motion to accept all bids except the bid from Dobson Brothers Construction due to the fact that it was received at 9:49 a.m. 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.

**CONCRETE BOX LETTING ON PROJECT #C003003705**

Tim Farmer with Speece Lewis Engineers reviewed all bids and reported to the Board that all calculations were correct and announced the lowest bidder.

After discussion, Mueller moved and Kimbrough seconded the motion to accept ME Collins Contracting Co., Wahoo, Nebraska with Alternate #1 for \$156,846.79. 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.

**CONCRETE BOX LETTING ON PROJECT #C-30(318)**

After discussion, Kimbrough moved and Simacek seconded the motion to accept Van Kirk Brothers Construction, Sutton, Nebraska with Alternate #1 for \$109,472.54. 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.

### 2009 TAXES COLLECTED

Joan Ackland, County Assessor presented the certification for the 2009 taxes to be collected to the Board.

### 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:

|  |                   |           |
|--|-------------------|-----------|
| Ameritas Life Insurance Corp.            | Ret               | 3,097.73  |
| Jon Anderson                             | Uni, Meal         | 44.94     |
| Aramark Uniform Services, Inc.           | Ser               | 515.41    |
| Blue Cross Blue Shield of Nebraska       | Insur             | 16,580.40 |
| William L. Burgess                       | Uni, Post         | 55.75     |
| Daryl L. Callenius                       | Uni, Meals, Sup   | 67.14     |
| Marilyn Christiancy                      | Ret               | 25.00     |
| City of Geneva                           | Rent              | 484.00    |
| Douglas County Sheriff                   | Ser               | 23.80     |
| Duckwall – Alco Stores, Inc.             | Sup               | 17.47     |
| Dugan Business Forms                     | Sup               | 503.40    |
| Eakes Office Plus                        | Sup               | 19.78     |
| Fillmore Central Elementary School       | Misc              | 30.00     |
| Fillmore County Hospital                 | Ser               | 2,381.30  |
| Fillmore County Medical Center           | Ser               | 44.85     |
| Fillmore County Sheriff                  | Fees              | 594.40    |
| First Concord Group, Inc.                | Insur             | 2,783.95  |
| Gambles                                  | Sup               | 50.26     |
| The Garbage Company                      | Ser               | 161.63    |
| Geneva State Bank                        | SS                | 3,255.77  |
| Geneva Super Foods                       | Sup               | 409.60    |
| Greeley County Court                     | Sup               | 2.50      |
| Norma Gregory                            | Ret               | 25.00     |
| Hasler Financial Services, LLC           | Ser               | 152.37    |
| Robert Hester                            | Uni               | 35.00     |
| Hometown Leasing                         | Ser               | 128.44    |
| Steve Julich                             | Uni, Post         | 42.00     |
| Kalkwarf & Smith Law Offices, LLC        | Ser, Post, Uti    | 2,656.36  |
| Stephen J. Kraviec                       | Ser, Post         | 1,702.48  |
| Lease Consultants Corp.                  | Ser               | 249.00    |
| Ann H. McDonald                          | Ret               | 18.00     |
| Mel's Automotive                         | Rep               | 185.70    |
| Mid-American Research Chemical Corp.     | Sup               | 300.60    |
| Midwest Radar & Equipment, Inc.          | Rep               | 210.00    |
| Rich Mueller / Thomas Biegert            | Rent              | 650.00    |
| Nebraska Association of County Officials | Wksh              | 1,080.00  |
| Nebraska Heart Institute                 | Ser               | 153.00    |
| Nebraska Public Power District           | Uti               | 921.12    |
| Pathology Medical Services               | Ser               | 89.18     |
| Platte Valley Communications of Hastings | Sup               | 85.20     |
| Radiology Associates, PC                 | Ser               | 8.22      |
| Steven G. Roemmich                       | Uni               | 35.00     |
| Kirk Rust                                | Uni               | 35.00     |
| Saline County Clerk                      | Drug Court        | 1,252.71  |
| Saline County Sheriff Office             | Boarding Prisoner | 1,235.00  |
| Secretary of State Rules & Regulations   | Ser               | 20.00     |
| Shell Fleet Plus                         | Fuel              | 2,065.77  |
| Spencer Fane Britt & Browne, LLP         | Ser               | 1,537.00  |
| State of Nebraska AS Central Services    | Ser               | 48.23     |
| State of Nebraska Dept. of Motor Vehicle | Ser               | 3.00      |
| Surgical Associates                      | Ser               | 96.39     |
| Thomson West                             | Sup               | 168.50    |
| Brandy VanDeWalle                        | Meals             | 6.72      |
| Verizon Wireless                         | Uti               | 501.51    |
| Weaver Pharmacy                          | Sup               | 41.07     |
| Williams Exterminating, Inc.             | Ser               | 110.00    |
| Windstream                               | Uti               | 1,156.47  |
| Payroll                                  | Salaries          | 44,972.52 |

**ROAD/BRIDGE FUND:**

|                                    |            |           |
|------------------------------------|------------|-----------|
| Ameritas Life Insurance Corp.      | Ret        | 1,609.06  |
| B's Enterprises                    | Sup        | 1,040.00  |
| Blue Cross Blue Shield of Nebraska | Insur      | 11,606.28 |
| Casey's General Store              | Fuel       | 2,070.03  |
| Dorchester Farmers Coop            | Fuel       | 570.05    |
| Fehlhafer's, Inc.                  | Parts      | 130.00    |
| Fillmore County Treasurer          | Post       | 7.73      |
| Flo-Rite                           | Building   | 482.50    |
| Gambles                            | Sup, Misc. | 141.99    |
| The Garbage Company                | Ser        | 78.76     |
| Geneva State Bank                  | SS         | 1,800.98  |
| Ralph Gould                        | Ret        | 18.00     |
| Grafton Mini Mart                  | Fuel       | 34.60     |
| Donovan Jirkovsky                  | Ret        | 25.00     |
| Kerry's Auto Repair & Service      | Rep        | 12.00     |
| Lichti Oil                         | Fuel       | 12,692.74 |
| M & B Business Machine Service     | Ser        | 350.00    |
| Metal Culverts                     | Culverts   | 3,908.04  |
| NMC Exchange, LLC                  | Parts, Sup | 393.14    |
| Nebraska Public Power District     | Uti        | 283.81    |
| Newman Traffic Signs               | Sup        | 1,978.77  |
| Office Depot Credit Plan           | Sup        | 117.42    |
| Perennial Public Power             | Uti        | 53.10     |
| Speece Lewis Engineers             | Ser        | 2,150.50  |
| Superior Deshler, Inc.             | Fuel       | 124.35    |
| Joe Tucker                         | Sup        | 48.00     |
| Village of Fairmont                | Uti        | 22.23     |
| Weaver Repair, Inc.                | Rep, Parts | 336.51    |
| Windstream                         | Uti        | 150.74    |
| Payroll                            | Salaries   | 24,840.73 |

**INSTITUTIONS FUND:**

|  |                   |       |
|--|-------------------|-------|
| State of Nebr. Health & Human Services | Oct. Patient Care | 93.00 |
|--|-------------------|-------|

**SENIOR SERVICES FUND:**

|                                    |          |          |
|------------------------------------|----------|----------|
| Ameritas Life Insurance Corp.      | Ret      | 133.86   |
| Blue Cross Blue Shield of Nebraska | Insur    | 1,105.36 |
| Fillmore County Treasurer          | Sup      | 12.84    |
| Geneva State Bank                  | SS       | 171.77   |
| Vera Johnson                       | Refund   | 22.50    |
| Bette Mattox Manning               | Ser      | 156.00   |
| Shell Fleet Plus                   | Fuel     | 46.49    |
| What's Happening                   | Ad       | 15.00    |
| Windstream                         | Uti      | 144.36   |
| Payroll                            | Salaries | 2,261.81 |

**INHERITANCE TAX FUND:**

|                           |          |          |
|---------------------------|----------|----------|
| Countryside Vet Clinic    | Ser      | 815.99   |
| Fillmore County Treasurer | Transfer | 5,000.00 |
| J Bar D, Inc.             | Ser      | 462.50   |
| Dean Olson                | Ser      | 3,410.00 |

**NOXIOUS WEED FUND:**

|                                    |          |          |
|------------------------------------|----------|----------|
| Ameritas Life Insurance Corp.      | Ret      | 78.60    |
| Blue Cross Blue Shield of Nebraska | Insur    | 552.68   |
| Merlin Ehmen                       | Ret      | 22.00    |
| Geneva State Bank                  | SS       | 88.70    |
| Payroll                            | Salaries | 1,164.40 |

**E911 COMMUNICATIONS FUND:**

|                                |     |          |
|--------------------------------|-----|----------|
| Nebraska Public Power District | Uti | 119.48   |
| Windstream                     | Uti | 1,016.32 |

**CLAIMS APPROVED**

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

**CUSTODIAN TRAINING**

After discussion, Cerny moved and Galusha seconded the motion to contract with Terri Volkmer at \$15.00 an hour through June 2010 to assist new custodian. 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.

**CHRISTMAS EVE**

After discussion, Kimbrough moved and Mueller seconded the motion to close County offices at 12:00 noon on December 24<sup>th</sup>. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**ADJOURNMENT**

Agenda items "Maximus Agreement and Emergency Manager position" were tabled to a future Board meeting. As there were no other items to come before the Board, Mueller moved and Capek seconded the motion to adjourn until 9:00 a.m., December 8, 2009. 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.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman