

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., December 22, 2009, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Yates presiding. Members present were Cerny, Kimbrough, Simacek, Mueller, and Capek. Galusha 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 sine die at 11:58 a.m.

### MINUTES APPROVED WITH CORRECTION

After discussion, Mueller moved and Kimbrough seconded the motion approve the minutes with the following corrections adding that Terri Volkmer was present for a discussion regarding assisting in custodial training on a contract basis with further discussion at a future Board meeting and to the correct the paper copy regarding the Diesel Fuel Letting it should have stated that the vote was carried 6-1, with Mueller voting nay. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

### FEE REPORT

Simacek moved and Capek seconded the motion to approve the fee report for the month of November:

**County Sheriff: \$1,623.86**

Upon roll call, the vote was as follows:

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

|  |                  |           |
|--|------------------|-----------|
| Adams County Sheriff                     | Ser              | 11.80     |
| All Around Lawn Care                     | Ser              | 70.00     |
| Ameritas Life Insurance Corp.            | Ret              | 2,673.12  |
| Jon Anderson                             | Uni              | 35.00     |
| Aramark Uniform Services, Inc.           | Ser              | 515.41    |
| Auto Value Parts Stores                  | Parts            | 39.98     |
| Blue Cross & Blue Shield of Nebraska     | Insur            | 17,133.08 |
| Blue Valley Community Action Partnership | Funding          | 6,890.00  |
| William L. Burgess                       | Uni, Meals, Post | 44.32     |
| Daryl L. Callenius                       | Uni              | 35.00     |
| Marilyn Christiancy                      | Ret              | 25.00     |
| City of Geneva                           | Rent             | 484.00    |
| Corner Stop                              | Fuel             | 144.15    |
| Diebold Inc.                             | Main             | 156.00    |
| Duckwall – Alco Stores, Inc.             | Sup              | 13.66     |
| Eakes Office Plus                        | Sup              | 752.57    |
| Evercom                                  | Sup              | 150.00    |
| Executive Copier Services                | Ser              | 65.38     |
| F & S Supply Co., Inc.                   | Sup              | 174.16    |
| Fillmore County Court                    | Ser              | 1,329.45  |
| Fillmore County Development Corp.        | Funding          | 10,000.00 |
| Fillmore County Hospital                 | Ser              | 50.00     |
| Fillmore County Medical Center           | Ser              | 197.00    |
| Fillmore County Treasurer                | Sup              | 34.74     |
| First Concord Group, Inc.                | Insur            | 4,059.34  |
| Gambles                                  | Sup, Post        | 112.97    |
| The Garbage Co., Inc.                    | Ser              | 161.63    |
| Geneva State Bank                        | Sup, SS          | 2,820.90  |
| Geneva Super Foods                       | Sup              | 456.09    |
| Norma Gregory                            | Ret              | 25.00     |
| Robert Hester                            | Uni              | 35.00     |
| Deborah B. Hoarty                        | Mile             | 196.90    |
| Hometown Leasing                         | Ser              | 256.58    |
| JEO Consulting Group, Inc.               | Ser              | 900.00    |

December 22, 2009

|   |                          |           |
|---|--------------------------|-----------|
| Howard E. Johnson   | Mile                     | 168.30    |
| Steve Julich  | Uni                      | 35.00     |
| Kalkwarf & Smith Law Offices, LLC                                   | Ser, Post, Sup           | 2,644.37  |
| Kerry's Auto Repair & Service                                       | Main                     | 38.15     |
| Stephen J. Kraviec  | Ser, Post                | 1,692.53  |
| Lease Consultants Corp.   | Ser                      | 249.00    |
| Lichti Oil  | Fuel                     | 130.74    |
| Annette Marget  | Mile                     | 95.70     |
| Ann H. McDonald   | Ret                      | 18.00     |
| Microfilm Imaging Systems, Inc.                                     | Ser                      | 64.00     |
| Midwest Engines   | Main                     | 842.00    |
| Rich Mueller/Thomas Biegert   | Rent                     | 650.00    |
| National Assoc. of County Recorders,<br>Election Officials & Clerks | Dues                     | 25.00     |
| National Assoc. of County Veteran's Serv.                           | Dues                     | 30.00     |
| Nebraska Association of County Officials                            | Dues                     | 1,308.74  |
| Nebraska Public Power District                                      | Uti                      | 809.42    |
| Richard G. Nelson   | Mile                     | 128.70    |
| Steven G. Roemmich  | Uni                      | 35.00     |
| Kirk Rust   | Uni                      | 35.00     |
| Saline County Sheriff   | Boarding Prisoners & Ser | 1,977.00  |
| Shell Fleet Plus  | Fuel                     | 2,041.27  |
| Spencer Fane Britt & Browne, LLP                                    | Ser                      | 493.00    |
| State of Nebraska Dept. of Motor Vehicles                           | Ser                      | 4.00      |
| State of Nebraska Office of Elevator Safety                         | Ser                      | 100.00    |
| Thayer County Court   | Ser                      | 3.50      |
| Treat America Dining  | Meals                    | 76.36     |
| Brandy VanDeWalle   | Dues, Meals, Mile        | 59.35     |
| Verizon Wireless  | Uti                      | 528.12    |
| Weather TAP Publishing  | Ser                      | 528.73    |
| Weaver Pharmacy   | Sup                      | 251.39    |
| Daniel L. Werner, P.C., LLO   | Ser, Mile, Post          | 1,716.00  |
| Windstream  | Uti                      | 1,088.00  |
| Payroll   | Salaries                 | 38,772.09 |
| <b><u>ROAD/BRIDGE FUND:</u></b>                                     |                          |           |
| Ameritas Life Insurance Corp.                                       | Ret                      | 1,652.22  |
| Auto Value Parts Stores   | Parts, Sup               | 391.18    |
| Blue Cross & Blue Shield of Nebraska                                | Insur                    | 11,606.28 |
| Casey's General Store   | Fuel                     | 1,898.19  |
| Century Lumber Center   | Sup, Rep                 | 68.17     |
| Dorchester Farmers Coop   | Fuel                     | 2,794.08  |
| Gambles   | Sup                      | 27.48     |
| The Garbage Company   | Ser                      | 78.76     |
| Geneva State Bank   | SS                       | 1,803.53  |
| Ralph Gould   | Ret                      | 18.00     |
| Hilty's of Geneva   | Sup                      | 14.69     |
| Donovan Jirkovsky   | Ret                      | 25.00     |
| Lichti Oil  | Fuel, Parts              | 2,924.38  |
| NMC Exchange, LLC   | Parts                    | 235.30    |
| Nebraska LTAP   | Wksh                     | 115.00    |
| Nebraska Public Power   | Uti                      | 266.72    |
| Nichols Construction  | Gravel                   | 21,535.80 |
| Roit Repair   | Rep                      | 26.07     |
| Donna Saltzman  | Ser                      | 40.00     |
| Shell Fleet Plus  | Fuel                     | 505.14    |
| Village of Exeter   | Uti                      | 16.00     |
| Village of Fairmont   | Uti                      | 24.49     |
| Windstream  | Uti                      | 145.89    |
| Payroll   | Salaries                 | 24,874.26 |
| <b><u>INSTITUTIONS FUND:</u></b>                                    |                          |           |
| State of Nebraska Health & Human Serv.                              | Nov. Patient Care        | 90.00     |
| <b><u>SENIOR SERVICES FUND:</u></b>                                 |                          |           |
| Ameritas Life Insurance Corp.                                       | Ret                      | 133.86    |
| Blue Cross & Blue Shield of Nebraska                                | Insur                    | 1,105.36  |
| Geneva State Bank   | SS                       | 171.77    |
| Jeannine Krejci   | Ser                      | 132.00    |
| Bette Mattox Manning  | Ser                      | 144.00    |
| Shell Fleet Plus  | Fuel                     | 25.49     |
| Windstream  | Uti                      | 131.57    |
| Payroll   | Salaries                 | 2,261.81  |
| <b><u>INHERITANCE TAX FUND:</u></b>                                 |                          |           |
| Fillmore County Treasurer   | Transfer                 | 5,000.00  |
| <b><u>NOXIOUS WEED FUND:</u></b>                                    |                          |           |
| Ameritas Life Insurance Corp.                                       | Ret                      | 76.68     |

December 22, 2009

|                                      |          |          |
|--------------------------------------|----------|----------|
| Blue Cross & Blue Shield of Nebraska | Insur    | 552.68   |
| Merlin Ehmen                         | Ret      | 22.00    |
| Geneva State Bank                    | SS       | 86.53    |
| Payroll                              | Salaries | 1,136.00 |

**E911 COMMUNICATIONS FUND:**

|                                |     |          |
|--------------------------------|-----|----------|
| Nebraska Public Power District | Uti | 123.78   |
| Windstream                     | Uti | 1,011.96 |

**CLAIMS APPROVED**

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

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

The Chairman declared the motion carried.

**MILEAGE RATE**

Mueller moved and Capek seconded the motion to change the mileage rate to \$.50 and \$.53 for the County Sheriff to serve papers and orders effective January 1, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**SAFETY COMMITTEE**

Simacek moved and Cerny seconded the motion to appoint Richard Ellison, Todd Boller, Brandie Conway, Daryl Callenius as an alternate and Lynn Mussman until the Emergency Manager is hired to the safety committee for a two year term beginning January 1, 2010 and ending December 31, 2011. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**REPLACING SECURITIES**

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

**RESOLUTION 2009-44**

**RESOLVED**, that York State Bank of Geneva, Nebraska be permitted to substitute the following securities held by the First National Capital Markets Trustee:

Magnolia Calif Sch Dist., CUSIP #559588DB1 in the amount of \$145,000.00  
York Neb Water Rev, CUSIP #986766CZ4 in the amount of \$165,000.00

and that the following security be substituted:

Federal Home Loan Bank, CUSIP #3133XVSV4 in the amount of \$300,000.00

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

**EXECUTIVE SESSION**

Capek moved and Cerny seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session personnel authorized by Statute to be discussed in executive session. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried and requested that the Highway Superintendent, County Attorney, and County Clerk, remain. Executive session began at 9:35 a.m.

**RETURN TO REGULAR SESSION**

Kimbrough moved and Mueller seconded the motion to return to open session at 9:51 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**2010 LETTING SCHEDULE**

After discussion, Cerny moved and Kimbrough seconded the motion to approve the 2010 Letting Schedule and employee meetings for the Road's Department. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**CLOSING DUE TO WEATHER**

Barbara Trapp, County Treasurer; William Burgess, County Sheriff; Joan Ackland, County Assessor; Peggy Birky, Clerk of District Court; and Elmer Hessheimer, Highway Superintendent attended the Board meeting to discuss a policy to determine closing due to weather. A committee will be formed and submit a policy to the Board at a later date. Until a policy is created the Chairman of the Board and the County Sheriff will make the recommendation and inform the officials.

**INTERNET SERVICE**

After discussion, Kimbrough moved and Cerny seconded the motion to switch from Windstream to Geneva Broadband for internet service. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

**COMPREHENSIVE PLAN**

Patt Lentfer, Fillmore County Development Director will contact SENDD to see if they would be able to assist the Board in reviewing the comprehensive plan bids that were received at the December 8<sup>th</sup> Board meeting.

**SOUTHEAST DIVISION OF CHILDREN & FAMILY SERVICES**

Jeff Schmidt, Director and Ruth Vineyard discussed with the Board regarding the changes in the Health & Human Services for Fillmore County, more discussion will be at future meetings.

**SALARY ADJUSTMENT**

Mueller moved and Cerny seconded the motion to pay all full time employees, not elected officials a \$500.00 salary adjustment prior the end of year from the inheritance tax fund. Upon roll call, the vote was as follows:

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

The Chairman declared the motion failed.

**ADJOURN SINE DIE**

As there were was no other business to come before the Board, Mueller moved and Capek seconded the motion to adjourn sine die until 9:00 a.m., January 12, 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

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Attest

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Chairman