

WHEREAS, under provisions of Section 77-2314, Revised Statutes of Nebraska, the County Treasurer shall not have a preference to any one of the banks in which she may so deposit. The County Treasurer may select one or more banks to be used for active accounts in which she may keep deposited in excess of these requirements only such funds as may be necessary for the transaction of ordinary day-to-day requirements.

WHEREAS, for the purpose of Section 77-2314, Revised Statutes of Nebraska, capital shall mean capital stock, surpluses, undivided profits, capital notes or debentures, and other unimpaired reserves, and

WHEREAS, paid up capital at Fillmore County Banks is as follows:

First National Bank of Exeter	\$ 3,243,076.28
Farmers State Bank of Fairmont	\$ 804,917.00
Geneva State Bank of Geneva, Shickley, & Grafton	\$ 16,331,000.00
York State Bank & Trust Company of Geneva & York	\$ 14,101,179.23
Cornerstone Bank of York and Geneva	\$ 66,698,148.00
Farmers and Merchants Bank of Milligan	\$ 3,928,059.25

WHEREAS, from time to time, the County Treasurer has on hand and will have on hand for deposit, County money that should be deposited for safekeeping in excess of the amount permitted under the statute,

NOW THEREFORE, Be it Resolved, that the County Treasurer of Fillmore County be and hereby is, authorized to deposit in the aforesaid banks in Fillmore County during 2010, County funds in her possession in a sum equal to but not in excess of the said capital of said banks, provided that said depository bank or banks shall secure said deposits by pledges of the assets of said bank as provided in Section 77-2318, Revised Statutes of Nebraska, but shall not at any one time have in said bank County funds in excess of 90% of the bonds deposited by said bank as security plus the \$100,000.00 covered and protected by the Federal Deposit Insurance Corporation. Bonds shall be required of all banks and capital stock financial institutions for such excess deposit unless security is given in accordance with Section 77-2318.01, Revised Statutes of Nebraska.

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.

SECURITIES COMMITTEE

Mueller moved and Kimbrough seconded the motion to appoint the County Clerk, the County Treasurer, and Supervisor Cerny to a committee to give temporary approval for securities deposited by banks for collateral on deposits of County funds, with Yates to sign if Cerny is unavailable. 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 APPROVAL

Cerny moved and Yates seconded the motion to require the approval of the officer in charge of claims for his/her office before the allowance of any and all claims. 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.

EQUIPMENT PURCHASE

Mueller moved and Cerny seconded the motion requiring all officials, elected or appointed, to notify the Board of Supervisors when purchasing any equipment regardless of price, all supplies costing \$750.00 or more, all lease agreements, maintenance contracts, and equipment rental agreements, even though the item is included in the budget. 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.

LEGAL NEWSPAPER

Yates moved and Cerny seconded the motion to declare The Nebraska Signal the legal newspaper for Fillmore County. 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.

Nays: None

The Chairman declared the motion carried.

REPRESENTATIVE TO DEVELOPMENT CORPORATION MEETINGS

Mueller moved and Simacek seconded the motion to appoint Dennis Kimbrough as the ex-officio representative of the Fillmore County Board at meetings of the Fillmore County Development Corporation for 2010. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

ADJOURNMENT

As there were no other items remaining on the agenda for the reorganization meeting, Mueller moved and Simacek seconded the motion to adjourn the reorganization portion of the meeting. 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.

 Attest

 Chairman

Regular Meeting

The Fillmore County Board of Supervisors convened in open and public session at 9:46 a.m., January 12, 2010, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Capek presiding. Members present were Yates, Kimbrough, Simacek, Mueller, Galusha, and Cerny. The County Clerk and Deputy County Clerk were 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 2:25 p.m.

MINUTES APPROVED

Chairman of the Board, Capek approved the minutes for the December 22, 2009 Board meeting as presented.

FUEL TANK BIDS

Bids for fuel tanks were opened at 9:47 a.m. The following bids were received:

<u>Bidder</u>	<u>Price</u>	<u>Option #1 Price</u>	<u>Total</u>
Yant Equipment, Inc., Grand Island	\$30,852.20	\$2,395.00	\$33,247.20
Eaton Sales & Service, LLC, York	\$41,500.00	\$2,350.00	\$43,850.00
Midwest Pump & Equipment Co., Lincoln	\$47,500.00	\$6,950.00	\$54,450.00
Petroleum Equipment Co., Grand Island	\$55,160.97		\$55,160.97

FUEL TANK BIDS

Cerny moved and Yates seconded the motion accept all bids and have the Highway Superintendent review and bring recommendations to the next meeting. 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.

ONE & SIX YEAR PLAN

After discussion, Mueller moved and Simacek seconded the motion to publish the one & six year plan for the Road's Department hearing to be held on February 9, 2010. 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.

WEST BLUE TOWNSHIP

Todd & Heather Probasco informed the Board that they would like to build a house on County Road D, between Road 10 & 11, West Blue Township. John Lowe from the West Blue Township Board requested help from the Board to bring this township road to specifications.

After discussion, Galusha moved and Cerny seconded the motion to have the County assist the Township in grading the road and to ensure that the bridge meets specifications and the township will gravel County Road D for a ¼ mile to the east from Road 10. 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.

2010 COUNTY ROAD PROJECTS

After discussion, Cerny moved and Yates seconded the motion to approve the 2010 County Road's workforce projects as submitted by Elmer Hessheimer, Highway Superintendent. 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.

TITLE VI NONDISCRIMINATION AGREEMENT

After discussion, Yates moved and Mueller seconded the motion approve and sign the Title VI Nondiscrimination Agreement with the State of Nebraska Department of Roads. 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.

TITLE VI CIVIL RIGHTS

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

RESOLUTION 2010-05

WHEREAS, certain transportation facilities (roads, streets, trails, and other) in FILLMORE COUNTY have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS, FILLMORE COUNTY desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS, The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS, FILLMORE COUNTY as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of FILLMORE COUNTY; and

WHEREAS, FILLMORE COUNTY understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in FILLMORE COUNTY being required to repay some or all of the federal funds expended for a project(s).

BE IT RESOLVED, the FILLMORE COUNTY Board of Supervisors does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of FILLMORE COUNTY.

BE IT FURTHER RESOLVED, the FILLMORE COUNTY Board of Supervisors does hereby designate the following as responsible for the management of the Title VI – Civil Rights process; Fillmore County Board of Supervisors Chairman

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

SNOW ON COUNTY ROADS

After discussion, Mueller moved and Kimbrough seconded the motion to approve the Highway Superintendent to continue renting equipment to assist in removal of snow on the County Roads. 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.

PUBLIC HEALTH SOLUTIONS

Jane Ford Witthoff, Director of Public Health Solutions presented the annual report to the Board.

OHIOWA TAX FORECLOSURE

Howard Ach, Deputy County Attorney informed the Board that there is a still a building in Ohiowa in tax foreclosure. Howard requested that Ray Capek talk to the Village of Ohiowa Board regarding this building.

REVITALIZE GENEVA PROJECT

Kyle Svec, City of Geneva Administrator presented the Board with the proposed plans for the Geneva Downtown Revitalization project that the City is working on.

FEE REPORTS

Yates moved and Cerny seconded the motion to approve the following fee reports for the month of December 2009 and Fillmore County Treasurer's Semi-Annual report:

County Clerk: \$9,361.05 (State \$5,983.42 & County \$3,377.63)
Clerk of District Court: \$292.25
Sheriff: \$1,320.08

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.

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:

A-1 Body & Glass	Rep	201.24
Howard F. Ach, Atty.	Rent, Post, Misc.	3,292.02
Lanny Ackerman	Mtgs, Mile	94.50
Ameritas Life Insurance Corp.	Ret	2,751.21
Black Hills Energy	Uti	1,416.54
Bottorf & Maser, Atty.	Ser, Mile	738.75
City of Geneva	Uti	141.90
Constellation Energy	Uti	212.08
Brandie Conway	Meals, Mile	54.73
Geraldine Daniels	Misc.	25.66
Duckwall – Alco Stores, Inc.	Sup	95.60
Eakes Office Plus	Sup	1,324.27
Earls Window Service	Ser	5.00
Sharon Elznic	Mtgs, Mile	71.40
Erdkamp Motors	Main	36.00
Executive Copier Services	Sup	67.11
First Concord Benefits Group, LLC	Ser	213.00
Geneva State Bank	Ser, SS	3,268.27
Germer, Murray & Johnson, Atty.	Ser, Mile	619.25
Matt Harre	Mtgs, Mile	65.20
Hasler Financial Services, LLC	Ser	152.37
Hilty's of Geneva	Sup	403.50
Hometown Leasing	Ser	524.85
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Misc.	2,677.34
Knoche Appraisal & Consulting, LLC	Ser, Mile	1,204.00
Stephen J. Kraviec	Ser, Post	1,691.95
Lease Consultants	Ser	249.00
Lichti Oil	Fuel	35.55
Madison National Life	Insur	10.68
Marriott Hotels & Resorts	Lodging	1,540.00

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Maximus, Inc.	Ser	1,094.54
Microfilm Imaging Systems, Inc.	Ser	64.00
Midwest Mailing Systems, Inc.	Sup	15.00
Milligan Towing, LTR	Ser	138.00
MIPS, Inc.	Ser, Sup	2,596.87
Mark Morgan	Mtgs, Mile	28.20
Morley Most	Mtgs, Mile	94.50
Marvin Nadherny	Mtgs, Mile	84.60
Nebraska Assoc. of County Clerks, Reg. Of Deeds & Election Comm.	Dues	75.00
Nebraska Assoc. of County Officials	Sup	32.00
Nebraska Heart Institute	Ser	28.08
Nebraska Law Enforcement Training Center	Lodging	162.00
Nebraska Sheriff's Association	Dues	120.00
The Nebraska Signal	Pro, Sup	707.47
Amy Nelson	Mile	75.35
Merle Noel	Mtgs, Mile	63.15
Victoria L. Ozenbaugh	Mile	20.35
Physicians Network	Ser	107.73
Protex Central Incorporated	Main	214.00
R & D Parts, LLC	Sup	12.34
Radiology Associates, PC	Ser	23.17
Ralph's Geneva Tire & Service Center	Main	183.51
Region V Services	Budget funding	2,952.25
Secretary of State Rules & Regulations	Sup	40.00
The Sentinal	Subscription	30.00
State of Nebraska AS Central Services	Ser	48.27
State of Nebraska AS Central Finance	Ser	448.00
State of Nebraska Public Health Envir. Lab.	Ser	168.00
Allan Stuckey	Mtgs, Mile	58.60
Thayer County Sheriff's Office	Ser	28.44
Total Funds by Hasler	Post	700.00
UN-L IS-Telecommunications	Uti	11.77
US Bank CPS	Meals, Lodging, Sup	293.43
Brandy VanDeWalle	Wksh, Meals	56.17
Terri Volkmer	Ser	335.00
West	Sup	175.00
Eric Williams	Post	20.88
Williams Exterminating, Inc.	Ser	110.00
Windstream	Uti	1,340.03
Payroll	Salaries	42,229.01

ROAD/BRIDGE FUND:

Action Auto Supply	Parts, Sup	53.48
Ameritas Life Insurance Corp.	Ret	1,652.28
Black Hills Energy	Uti	1,012.49
Century Lumber Center	Sup, Parts	55.45
City of Geneva	Uti	57.00
Dorchester Farmers Coop	Fuel	6,898.57
Farm Plan	Parts	316.02
Filter Care of Nebraska	Parts	28.60
Geneva Implement	Parts	49.48
Geneva State Bank	SS	1,872.61
Geneva Welding & Supply, Inc.	Parts, Equip, Sup	753.52
Grafton Mini Mart	Fuel	69.37
Grafton Oil	Fuel	735.68
Elmer Hessheimer	Sup	15.85
Horizontal Boring & Tunneling, Co.	Rental	14,421.75
Marriott Hotels & Resorts	Lodging	110.00
Lichti Oil	Fuel, Parts	4,995.76
Midwest Unlimited	Sup	340.00
Mike's Radiator & Tire	Rep	165.00
National Sign Company, Inc.	Sup	535.00
Nebraska Bolt	Parts	82.86
Nebraska Department of Revenue	Misc.	137.26
Nebraska Iowa Industrial Fasteners	Sup	195.81
The Nebraska Signal	Ads	19.81
Newman Traffic Signs	Sup	403.82
Nick's Farm Store	Rep	70.35
Perennial Public Power	Uti	143.12
Platte Valley Communications	Parts	54.88
R & D Parts	Sup	46.68
Ralph's Geneva Tire	Rep	239.71
Shell Fleet Plus	Fuel	262.31
Speece Lewis Engineers	Fees	270.75
US Bank CPS	Post	13.49
Verizon Wireless	Uti	83.98
Village of Exeter	Uti	15.00
Village of Fairmont	Uti	59.82

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

The Chairman declared the motion carried.

PLANNING COMMISSION BOARD

Cerny moved and Mueller seconded the motion to appoint the following to the Planning Commission Board: Reg Noel, Merle Noel, and Matt Harre beginning July 1, 2009 and ending June 30, 2012 and Sharon Elznic, Tom Manning, Mark Morgan and Morley Most beginning July 1, 2008 and ending June 30, 2011. 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.

LIBERTY TOWNSHIP BONDS

Simacek moved and Cerny seconded the motion to approve the Liberty Township bonds for John J. Becker and David L. Krupicka beginning January 3, 2010 and ending January 3, 2011. 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.

HOURLY EMPLOYEE'S COMPENSATION

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: Kimbrough, Cerny, Galusha, and Simacek

The Chairman declared the motion failed.

COUNTY CAR POLICY

After discussion, the Board approved that there will be no mileage paid to employee's who drive their own vehicles unless both of the County cars are not available.

CUSTODIAL CONTRACT

After discussion, Mueller moved and Cerny seconded the motion to approve the contract with Terri Volkmer beginning December 1, 2009 and ending June 30, 2010 to provide custodial training on an administrative basis. The contract is for no more than 20 hours per month at a rate of \$25.00 an hour and \$30.00 per trip. 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.

EMPLOYEE RECOGNITION DINNER

After discussion, Yates moved and Kimbrough seconded the motion to approve the employee recognition dinner to be January 30, 2010 at the Geneva VFW and to give away a courthouse and two small crocks. 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.

SNOW POLICY

After discussion, Cerny moved and Kimbrough seconded the motion that effective January 12, 2010 all hourly employees who leave or cannot get to work due to weather conditions will not be paid. In the event that the Courthouse is closed due to weather conditions (this is determined by the Chairman of the Board, Sheriff and the Emergency Manager) hourly employees will not get paid. If an hourly employee is required to work they will be paid for the time worked. In either instance an employee may use earned vacation or comp time. This policy is to be placed in the employee handbook. 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.

ADJOURNMENT

Agenda item "Comprehensive Plan Bids" were tabled until a future Board meeting. As there was no other items to come before the Board, Cerny moved and Mueller seconded the motion to adjourn until 9:00 a.m. on January 26, 2010. 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.

Attest

Chairman