

# Fillmore County Board Minutes



January 5, 2016

## Reorganization Meeting

The Fillmore County Board of Supervisors convened to reorganize, as required by statute, in open and public session at 9:16 a.m. on January 5, 2016, in the Courthouse Boardroom in Geneva, Nebraska. Members present were Noel, Capek, Galusha, Cerny, Mueller, Neiman, and Johnson. 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 reorganization meeting adjourned at 9:57 a.m. and regular meeting adjourned at 10:40 a.m.

### **ELECTION OF CHAIRMAN**

The first order of business was the election of a Chairman for the year 2016. Nelson called for nominations for Chairman of the Fillmore County Board of Supervisors. Johnson nominated Neiman, seconded by Mueller and Noel nominated Cerny, seconded by Galusha. Mueller moved and Johnson seconded that nominations cease. Election was conducted by paper ballot, vote was Cerny six (6) and Neiman one (1).

Noel moved and Neiman seconded the motion that Cerny be elected as Chairman of the Fillmore County Board of Supervisors. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The County Clerk as acting temporary Chairman declared the motion carried.

The County Clerk announced that Larry Cerny has been elected as Chairman of the Fillmore County Board of Supervisors and turned the meeting over to the Chairman.

### **ELECTION OF VICE-CHAIRMAN**

Chairman Cerny called for nominations for Vice-Chairman of the Fillmore County Board of Supervisors. Johnson nominated Neiman, seconded by Mueller.

Capek moved and Johnson seconded the motion that nominations cease and that a unanimous ballot be cast for Neiman as Vice-Chairman of the Fillmore County Board of Supervisors. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared that Jeff Neiman would be Vice-Chairman of the Fillmore County Board of Supervisors.

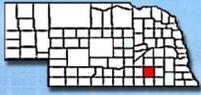
### **NAMING OFFICIAL BANK DEPOSITORIES**

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

#### **RESOLUTION 2016-01**

**BE IT RESOLVED** by the Fillmore County Board of Supervisors that the Generations Bank of Exeter, the Heartland Bank of Geneva, Shickley, Grafton, and Fairmont, the York State Bank of York and Geneva, the Cornerstone Bank of York and Geneva, and the Farmers and Merchants Bank of Milligan, are hereby designated as bank depositories and the Fillmore County Treasurer is hereby authorized to deposit funds of the County that may come into her possession into these said depositories.

Upon roll call, the vote was as follows:



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Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the resolution adopted.

## AUTHORIZED INVESTMENTS

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

### RESOLUTION 2016-02

**BE IT RESOLVED** by the Fillmore County Board of Supervisors that the County Treasurer of Fillmore County be authorized to invest the surplus funds of said county in United States Government Bonds, United States Treasury Notes, Bills or Certificates of Indebtedness maturing within two years of the date of purchase; and in Certificates of Deposit, or Money Market Savings Accounts.

Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the resolution adopted.

## DEPOSIT OF SURPLUS FUNDS

Neiman moved and Noel seconded the introduction of the following resolution:

### RESOLUTION 2016-03

**WHEREAS**, Section 77-2318, Revised Statutes of Nebraska, provides among other things that when County funds exceed 50% of the said capital of all banks of the County, then the Treasurer, with the consent of the County Board, may deposit an amount in excess thereof, but not exceeding capital in any one bank, and

**WHEREAS**, the County Board has by resolution informed the County Treasurer of Fillmore County that all of the banks in Fillmore County have been designated as depositories for monies that the County Treasurer may have in her possession, and

**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.

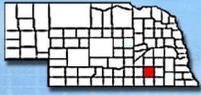
**WHEREAS**, for the purpose of Section 77-2314, Revised Statutes of Nebraska, capital shall mean capital stock, surpluses, undivided profits, capital notes or debentures, and other unimpaired reserves, and

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

Generations Bank of Exeter	\$ 3,945,423.45
Heartland Bank of Geneva, Shickley, Grafton, and Fairmont	\$ 40,556,009.71
York State Bank & Trust Company of Geneva & York	\$ 16,060,021.88
Cornerstone Bank of York and Geneva	\$ 3,000,000.00
Farmers and Merchants Bank of Milligan	\$ 6,875,432.00

**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 2016, County funds in her possession in a sum equal to but not in



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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 \$250,000.00 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: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the resolution adopted.

## **SECURITIES COMMITTEE**

Capek moved and Noel 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 Johnson to sign if Cerny is unavailable. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **CLAIMS APPROVAL**

Johnson moved and Neiman 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: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **PURCHASING SUPPLIES/EQUIPMENT**

Neiman moved and Johnson seconded the motion requiring all officials, elected or appointed, are to bring their request to the entire 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: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

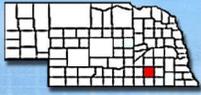
The Chairman declared the motion carried.

## **LEGAL NEWSPAPER AND WEBSITE**

Mueller moved and Neiman seconded the motion to declare The Nebraska Signal as the legal newspaper for Fillmore County and that the Fillmore County website ([www.fillmorecounty.org](http://www.fillmorecounty.org)) be declared as an official means of publication. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.



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## **PUBLIC HEALTH BOARD**

Neiman moved and Capek seconded the motion to appoint the County Attorney, Jill Cunningham; County Sheriff, William Burgess; County Clerk, Amy Nelson; County Mortician, Shaun Farmer; Chairman of the Board of Supervisors, Larry Cerny; and Fillmore County Hospital Chief of Staff, to the Fillmore County Public Health Board for a one year term beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The Chairman declared the motion carried.

## **ROAD REPORTS TO SUPERVISORS**

Mueller moved and Noel seconded the motion that the County Highway Superintendent shall inform the appropriate Supervisor of any work being done other than routine road maintenance in their district. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The Chairman declared the motion carried.

## **REPRESENTATIVE FOR REGION V**

Mueller moved and Neiman seconded the motion to appoint Susan Johnson as the representative for the Region V Board beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **COUNTY PHYSICIAN**

Johnson moved and Mueller seconded the motion to appoint the acting Hospital Chief of Staff as the County Physician. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

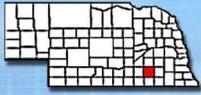
## **REPRESENTATIVE TO FILLMORE COUNTY HOSPITAL BOARD**

Johnson moved and Galusha seconded the motion to appoint Jeff Neiman as a nonvoting member and Bob Mueller as an alternate to the Fillmore County Hospital Board beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **REPRESENTATIVE TO DEVELOPMENT CORPORATION**



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Mueller moved and Galusha seconded the motion to appoint Merle Noel as the representative and Larry Cerny as the alternate of the Fillmore County Board at meetings of the Fillmore County Development Corporation beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, and Neiman  
Nays: Johnson                      Abstaining: Noel

The Chairman declared the motion carried.

## **REPRESENTATIVE FOR BLUE VALLEY COMMUNITY ACTION BOARD**

Johnson moved and Neiman seconded the motion to appoint Ray Capek as the representative and Jerry Galusha as the alternate to the Blue Valley Community Action Board beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None                              Abstaining: Capek

The Chairman declared the motion carried.

## **REPRESENTATIVE FOR THE RC & D BOARD**

Mueller moved and Neiman seconded the motion to appoint Larry Cerny as the representative to the RC & D Board beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The Chairman declared the motion carried.

## **SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT**

Noel moved and Capek seconded the motion to appoint Bob Mueller as the representative and Jerry Galusha as the alternate to the Southeast Nebraska Development District Board beginning January 1, 2016 and ending December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **DEPARTMENT HEAD APPOINTMENTS**

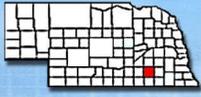
Neiman moved and Mueller seconded the motion to reappoint the following appointed department heads for one year beginning January 1, 2016: Emergency Manager, Jim Dunker; Planning & Zoning Administrator, Jennifer Slezak; Senior Services Director, Brenda Motis; Noxious Weed Superintendent, Todd Boller; Highway Superintendent, Pat Halbur; and Assistant Highway Superintendent, Sam Hogue. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The Chairman declared the motion carried.

## **CHAIRMAN APPOINTMENTS**

Chairman, Cerny requested the following appointments be made: Johnson and Neiman to oversee the Emergency Manager, Noel and Mueller to oversee the Planning & Zoning Administrator, Johnson and Cerny to oversee the Custodian and Building & Grounds, Capek and Galusha to oversee the Veteran's Service Officer, Cerny and Mueller



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to oversee the Senior Services Director, Cerny and Noel to oversee the Highway Superintendent, and Capek and Galusha to oversee the Noxious Weed Superintendent.

Mueller moved and Neiman seconded the motion to accept the appointments as presented by the Chairman. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

The Chairman declared the motion carried.

## **HOSPITAL BUILD AMERICA BONDS**

Noel moved and Capek seconded the motion to authorize the Chairman and Vice-Chairman to sign Form 8038-CP for the Hospital Build America Bonds from January 1, 2016 to December 31, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **ADJOURNMENT OF REORGANIZATION MEETING**

As there were no other items remaining on the agenda for the reorganization meeting, the reorganization meeting adjourned at 9:57 a.m.

## **OPEN REGULAR BOARD**

Chairman Cerny opened the regular session of the Board of Supervisors meeting at 9:58 a.m. Noel was absent at 10:17 a.m.

## **CLOSED SESSION**

Capek moved and Mueller 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 closed session personnel as authorized by Statute to be discussed in closed session. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried and requested that NIRMA Attorney, Pam Bourne (via conference call), County Sheriff, and County Clerk remain. Executive session began at 10:02 a.m.

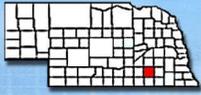
## **RETURN TO REGULAR SESSION**

Neiman moved and Mueller seconded the motion to return to open session at 10:13 a.m. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

## **PERSONNEL DISCUSSION**



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Johnson moved that after discussion with NIRMA Attorney to accept the resignation of Veteran's Service Officer Eric Williams, motion failed due to lack of a second.

After discussion, Noel moved and Mueller seconded the motion to accept the resignation of Veteran's Service Officer Eric Williams and based on the evidence uncovered in the Nebraska State Patrol investigation and the County's internal investigation deem that Williams is indefinitely ineligible for rehire or reappointment with the County of Fillmore. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Mueller, Neiman, and Noel  
Nays: Johnson

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, Uti – utilities, Wksh – workshop expense.

### GENERAL FUND:

Blue Cross Blue Shield of Nebraska	Insur	\$48,237.30
Capital Business Systems, Inc.	Ser	140.86

## CLAIMS APPROVED

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

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, and Neiman  
Nays: None                      Absent: Noel

The Chairman declared the motion carried.

## EAST OFFICE BUILDING FURNANCE

Chairman, Cerny informed the Board that he had received a bid for the replacement of one of the furnaces at the East Office building.

After discussion, Capek moved and Johnson seconded the motion to get another bid for the replacement and authorize the Chairman to purchase from the lowest bidder. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, and Neiman  
Nays: None                      Absent: Noel

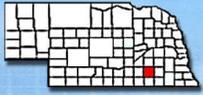
The Chairman declared the motion carried.

## COURTHOUSE SMELL

After discussion with County Sheriff, Mueller moved and Johnson seconded the motion to have the County Highway department remove the top off the old cave and do any additional work to assist with the smell and fill in with sand. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, and Neiman  
Nays: None                      Absent: Noel

The Chairman declared the motion carried.



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## ADJOURMENT

As there were no other items to come before the County Board, Neiman moved and Johnson seconded the motion to adjourn until January 12, 2016. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, and Neiman

Nays: None

Absent: Noel

The Chairman declared the motion carried

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Attest

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Chairman