

# Fillmore County Board Minutes



March 22, 2016

The Fillmore County Board of Supervisors convened in open and public session at 9:11 a.m., March 22, 2016, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Cerny presiding. Members present were Noel, Capek, Galusha, Mueller, Neiman, and Johnson. The County Clerk was present to record the minutes of the meeting. Judy Glassburner was present for a portion 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 2:41 p.m.

## MINUTES

Chairman, Cerny approved the minutes from the March 8, 2016 meeting as presented.

### REGION V SYSTEMS

C.J. Johnson, Regional Administrator with Region V Systems presented their annual report and budget request of \$13,126.00 for mental health and \$2,361.00 for substance abuse for fiscal year 2016/2017.

### REGION V SERVICES

Dave Merrill, Executive Director gave a presentation of the annual report for Region V Services and budget request of \$10,484.00 for fiscal year 2016/2017. This is the 21<sup>st</sup> year with no increase. Tessa Humann, Area Director for York and Seward offices also gave an annual report regarding this area.

### CLEAN SILT PERMITS

Neiman moved and Mueller seconded the motion to approve the following clean silt permits as presented by the Highway Superintendent:

Clarence Nun – clean silt from the ditch along the east side of the NE ¼, Section 8-6-2, Chelsea Township;  
Albert Simacek – clean silt from the ditch along the east side of the NE ¼, Section 20-7-2, Madison Township.

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.

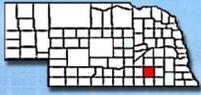
### DRIVEWAY PERMITS

Mueller moved and Capek seconded the motion to approve the following driveway permits as presented by the Highway Superintendent:

Pribyl Ag – install a new 40 ft. driveway on the north side of the NW ¼, Section 3-5-1, Franklin Township;  
Rex Biddemberg/Rich Norgard – install a new 40 ft. driveway on south side of the SE ¼, Section 5-6-3, Stanton Township;  
William Yates – widen an existing driveway to 40 ft. on the north side of the NE ¼, Section 24-6-3, Stanton Township;  
William Yates – widen an existing driveway to 40 ft. on the south side of the SE ¼, Section 13-6-3, Stanton Township

Upon roll call, the vote was as follows:

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



# Fillmore County Board Minutes



March 22, 2016

The Chairman declared the motion carried.

## CULVERT PIPE BIDS

Opened culvert pipe bids at 9:45 a.m. as advertised. The following bids were received:

|                  | <u>ROUND HELICAL (SPIRAL)</u> |       |       |       |       |       |       |       |       |        |
|------------------|-------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|                  | 18"                           | 24"   | 30"   | 36"   | 42"   | 48"   | 54"   | 60"   | 72"   | 84"    |
| Ace Eaton        | 9.30                          | 12.20 | 19.70 | 22.40 | 39.00 | 44.00 | 51.00 | 65.50 | 80.00 | 120.00 |
| Contech          | 9.30                          | 11.80 | 18.70 | 22.50 | 35.65 | 40.60 | 45.60 | 65.50 | 76.00 | 124.00 |
| Metal Culverts   | 8.86                          | 11.85 | 18.04 | 21.52 | 34.82 | 39.66 | 45.22 | 63.63 | 75.97 | 113.02 |
| Midwest Services | 10.69                         | 14.03 | 21.39 | 25.59 | 41.09 | 46.80 | 52.52 | 72.55 | 86.77 | 101.07 |

|                  | <u>ELLIPTICAL HELICAL SQUASH PIPE</u> |       |       |       |       |       |       |       |       |        |
|------------------|---------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|                  | 18"                                   | 24"   | 30"   | 36"   | 42"   | 48"   | 54"   | 60"   | 72"   | 84"    |
| Ace Eaton        | 9.80                                  | 13.00 | 21.75 | 24.00 | 40.50 | 46.00 | 54.00 | 70.00 | 86.00 | 130.00 |
| Contech          | 9.75                                  | 12.40 | 19.60 | 23.60 | 36.80 | 42.80 | 47.70 | 68.30 | 83.00 | 127.10 |
| Metal Culverts   | 9.39                                  | 12.65 | 18.83 | 22.44 | 35.85 | 40.76 | 46.45 | 64.99 | 77.65 | 115.85 |
| Midwest Services | 11.76                                 | 15.44 | 23.53 | 28.16 | 45.19 | 51.48 | 57.78 | 79.80 | 95.44 | 111.18 |

|                  | <u>ROUND CMP</u> |       |       |       |       |       |       |       |        |        |
|------------------|------------------|-------|-------|-------|-------|-------|-------|-------|--------|--------|
|                  | 18"              | 24"   | 30"   | 36"   | 42"   | 48"   | 54"   | 60"   | 72"    | 84"    |
| Ace Eaton        | 9.80             | 12.80 | 20.30 | 24.50 | 40.00 | 44.50 | 52.00 | 68.00 | 85.00  | 134.00 |
| Contech          | 10.90            | 13.90 | 21.30 | 25.60 | 38.80 | 44.20 | 49.60 | 69.50 | 82.50  | 128.00 |
| Metal Culverts   | 8.86             | 11.85 | 18.04 | 21.52 | 34.82 | 39.66 | 45.22 | 63.63 | 75.97  | 113.02 |
| Midwest Services | 11.76            | 15.44 | 23.53 | 28.16 | 45.18 | 51.48 | 57.78 | 92.86 | 111.06 | 129.37 |

|                  | <u>ELLIPTICAL SQUASH PIPE</u> |       |       |       |       |       |       |        |        |        |
|------------------|-------------------------------|-------|-------|-------|-------|-------|-------|--------|--------|--------|
|                  | 18"                           | 24"   | 30"   | 36"   | 42"   | 48"   | 54"   | 60"    | 72"    | 84"    |
| Ace Eaton        | 10.10                         | 13.50 | 22.00 | 25.50 | 41.50 | 46.50 | 55.00 | 73.00  | 91.00  | 144.00 |
| Contech          | 11.35                         | 14.45 | 22.20 | 26.70 | 40.50 | 45.60 | 51.80 | 72.40  | 86.40  | 135.00 |
| Metal Culverts   | 9.39                          | 12.65 | 18.84 | 22.44 | 35.85 | 40.76 | 46.45 | 64.99  | 77.65  | 115.85 |
| Midwest Services | 12.94                         | 16.97 | 25.88 | 30.97 | 49.70 | 56.64 | 63.56 | 102.16 | 122.16 | 142.31 |

## CULVERT PIPE LETTING

Mueller moved and Neiman seconded the motion to accept all bids with the Highway Superintendent selecting the lowest bid depending upon availability. 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.

## CRUSHED ROCK BIDS

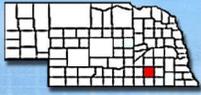
Crushed Rock bids were opened at 10:00 a.m. as advertised. The following bids were received:

| <u>Bidder:</u>                         | <u>Total Bid:</u> |
|--|-------------------|
| Hartman Construction, Seward, NE       | \$285,177.69      |
| Tiemann Construction, Beatrice, NE     | \$168,435.30      |
| Geneva Engineering, Geneva, NE         | \$265,574.40      |
| Van Kirk Bros. Contracting, Sutton, NE | \$227,528.00      |

## GENEVA CHAMBER OF COMMERCE

Eric Kamler, President of the Geneva Chamber of Commerce asked the Board if it would be possible for the Geneva Chamber of Commerce to take the sign that is in front of the old hospital to be used for an entrance sign to the City of Geneva.





# Fillmore County Board Minutes



March 22, 2016

Planning & Zoning Administrator, Jennifer Slezak informed the Board that the Planning Commission is recommending removing the height regulation of not to exceed four hundred (400) feet from zoning regulation Section 9-16.06 item #4. Matt Robinette and Adam Herink informed the Board that having a height limit would eliminated the opportunity of Fillmore County being sought out for a potential wind farm. Jan Buzek requested that the Board research the setback regulations regarding wind farms further before amending the regulations. Jan left information for the Board with the Zoning Administrator.

After discussion, Johnson moved and Mueller seconded the motion to close the public hearing at 11:35 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## **AMEND ZONING REGULATION SECTION 9.16.06, ITEM #4**

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

### **RESOLUTION #2016 – 08**

**WHEREAS**, the Fillmore County Zoning Regulation under Section 9.16.06, item #4 reads Height: the total height shall be determined by the fall zone requirement and shall not exceed four hundred (400) feet. Tower height shall not exceed 300 feet. FAA approval is required, and;

**WHEREAS**, the Fillmore County Planning Commission held a public hearing on March 21, 2016 and the Fillmore County Board of Supervisors held a public hearing on March 22, 2016 to amend this regulation; and

**WHEREAS**, the Fillmore County Board of Supervisors amends the Fillmore County Zoning Regulation Section 9.16.06, Item #4 to read Height: the total height shall be determined by the fall zone requirement. FAA approval is required.

**NOW THEREFORE, BE IT RESOLVED** by the Fillmore County Board of Supervisors to amend the zoning regulations as approved by this resolution on this 22<sup>nd</sup> day of March, 2016.

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.

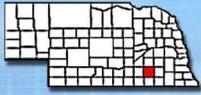
## **PLANNING COMMISSION APPOINTMENTS**

After discussion, Capek moved and Galusha seconded the motion to appoint the following terms for the Planning Commission: Dan Risseeuw, Morley Most, and Sharon Elznic terms will end June 30, 2017; Matt Hafer, Reg Noel, and Matt Harre terms will end June 30, 2018; and Dean Kassik, Allen Stuckey, and Richard Girmus terms will end June 30, 2019. 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.

## **CRUSHED ROCK LETTING**



# Fillmore County Board Minutes



March 22, 2016

After review by Chris with Speece Lewis Engineers, Neiman moved and Noel seconded the motion to accept all bids and award to Tiemann Construction from Beatrice, NE in the amount of \$168,435.30. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## SURPLUS EQUIPMENT

At the request of the Noxious Weed Superintendent, Johnson moved and Capek seconded the motion to surplus a 60 gallon tank with electric pump, and computer and printer equipment. 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.

## NOXIOUS WEED UPDATE

Todd Boller, Noxious Weed Superintendent informed the Board that he received the new mule for spraying and that he had it in the parking lot for them to see. Todd also has an ad in the Nebraska Signal for summer help with spraying the road ditches but hasn't received any applications. If there are no applications, Todd might be looking to change the way the spraying is being done.

## LOCAL EMERGENCY OPERATIONS PLAN

Leo Larkin, Planning Specialist with NEMA gave an overview of the County Local Emergency Operations Plan (LEOP) to the Board, County Sheriff, County Treasurer, Clerk of District Court, Highway Superintendent, Head dispatcher, Emergency Manager, and County Clerk.

## DISCUSSION REGARDING COUNTY SENIOR MEETING

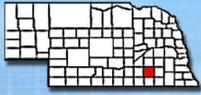
Brenda Motis submitted handouts to the Board from the County Senior Meeting held on March 10<sup>th</sup>. Noel and Johnson attended the meeting and said that it was well attended and acknowledged by Aging Partners as having a very informative meeting.

## 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:

|  |                |          |
|--|----------------|----------|
| Andrews Electric Co., Inc.               | Rep            | 65.00    |
| Auto Value Parts Stores                  | Rep, Sup       | 101.39   |
| Awards Plus                              | Sup            | 122.00   |
| Blue Valley Community Action Partnership | budget request | 4,115.75 |
| Bottorf & Maser, Attorney                | Ser, Mile      | 529.00   |
| Capital Business Systems, Inc.           | Ser            | 140.86   |
| Marilyn Christiancy                      | Ret            | 25.00    |
| Drivers License Guide Company            | Sup            | 29.95    |
| Eakes Office Solutions                   | Sup, Equip     | 2,691.85 |
| Merlin Ehmen                             | Ret            | 22.00    |
| Erdkamp Motors                           | Rep, Main      | 348.00   |
| Exeter Senior Center                     | USDA           | 175.00   |
| Fairmont Aging Services                  | USDA           | 518.00   |



# Fillmore County Board Minutes

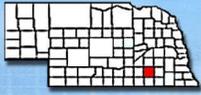


March 22, 2016

|  |                        |           |
|--|------------------------|-----------|
| Fillmore County Development Corp.          | budget request         | 10,000.00 |
| Fillmore County Medical Center             | Ser                    | 18.00     |
| First Concord Benefits Group, LLC          | Insur, Ser             | 3,200.87  |
| Geneva Broadband, LLC                      | Ser                    | 88.00     |
| Geneva Home Center                         | Sup                    | 73.25     |
| Geneva Senior Center                       | USDA                   | 1,572.90  |
| Geneva Super Foods                         | Sup                    | 336.41    |
| Norma Gregory                              | Ret                    | 25.00     |
| Heartland Bank                             | Sup, SS                | 4,676.14  |
| Kalkwarf & Smith Law Offices, LLC          | Ser, Post, Uti, Copies | 3,031.80  |
| Jerry Knoche                               | Mile                   | 12.96     |
| KOLN                                       | Ads                    | 945.00    |
| Stephen J. Kraviec                         | Ser, Post              | 1,728.29  |
| Madison National Life Insurance Co.        | Insur                  | 4.54      |
| MailFinance                                | Ser                    | 302.24    |
| Ann H. McDonald                            | Ret                    | 18.00     |
| Midwest Card & ID Solutions                | Sup                    | 594.16    |
| Brenda Motis                               | Mile, Sup              | 8.58      |
| Nebraska Law Enforcement Training Center   | Lodging                | 340.00    |
| Nebraska Public Power District             | Uti                    | 1,906.88  |
| Nebraska Signal                            | Subscription           | 34.00     |
| NSNB                                       | Ads                    | 50.00     |
| Pell Reporting, Inc.                       | Ser, Sup               | 230.80    |
| Retirement Plans Division of Ameritas      | Ret                    | 4,246.80  |
| Steven Roemmich                            | Fuel                   | 23.38     |
| Southeast District County Officials Assoc. | Wksh                   | 125.00    |
| Jennifer Slezak                            | Sup                    | 22.22     |
| State of Nebraska – AS Central Services    | Ser                    | 51.60     |
| State of Nebraska – Health & Human Serv.   | Febr. Services         | 174.00    |
| Sullivan Shoemaker, PC LLO                 | Ser                    | 161.50    |
| Ultramax                                   | Sup                    | 1,059.00  |
| Brandy VanDeWalle                          | Uti, Parking           | 55.00     |
| Reid Velte                                 | Ser                    | 187.50    |
| Caroll Verhage                             | Mile                   | 900.00    |
| Verizon Wireless                           | Uti                    | 870.50    |
| Weaver Pharmacy                            | Sup                    | 15.32     |
| York County Sheriff                        | Ser, Mile              | 18.50     |
| Payroll                                    | Salaries               | 63,197.54 |

## ROAD/BRIDGE FUND:

|                                 |                  |          |
|---------------------------------|------------------|----------|
| Action Auto Supply              | Parts            | 16.63    |
| Auto Value Parts Stores         | Parts, Sup, Main | 73.91    |
| Rex Bahe                        | Ret              | 25.00    |
| Rex Biegert Trustee             | Easement         | 2,258.38 |
| Casey's General Stores          | Fuel             | 28.86    |
| Century Lumber Center           | Sup, Parts       | 213.81   |
| Certified Truck & Trailer, Inc. | Parts            | 107.25   |
| Corner Stop                     | Fuel             | 62.37    |
| Dorchester Farmers Coop         | Fuel             | 2,574.28 |
| Geneva Broadband, LLC           | Uti              | 40.00    |
| Geneva Home Center              | Sup              | 152.61   |
| Grafton Oil, Inc.               | Fuel, Main       | 2,572.18 |
| Heartland Bank                  | SS               | 1,975.92 |
| Jill's Sweet Shop               | Misc             | 29.00    |
| Kopchos Sanitation, Inc.        | Uti              | 51.00    |
| Lichti Oil                      | Fuel, Rep, Parts | 6,028.83 |
| Nebraska Public Power District  | Uti              | 358.01   |
| Nichols Construction            | Gravel           | 1,759.56 |
| NMC Exchange, LLC               | Parts, Ser       | 7,543.60 |



# Fillmore County Board Minutes



March 22, 2016

|  |          |           |
|--|----------|-----------|
| Perennial Public Power District            | Uti      | 124.78    |
| Retirement Plans Division of Ameritas      | Ret      | 1,805.38  |
| Southeast District County Officials Assoc. | Wksh     | 25.00     |
| Speece Lewis Engineers                     | Ser      | 3,109.50  |
| US Bank, CPS                               | Post     | 1.20      |
| US Postal Service – Stamp Fulfillment      | Ser, Sup | 302.65    |
| Verizon Wireless                           | Uti      | 89.25     |
| Village of Exeter                          | Uti      | 17.50     |
| Village of Fairmont                        | Uti      | 60.54     |
| Village of Grafton                         | Uti      | 38.22     |
| Payroll                                    | Salaries | 26,859.49 |

### **ECONOMIC DEVELOPMENT - TOURISM FUND:**

|                                   |                      |        |
|-----------------------------------|----------------------|--------|
| Fillmore County Development Corp. | Post, Sup, Ser, Mile | 292.93 |
|-----------------------------------|----------------------|--------|

### **SHERIFF – SPECIAL LAW ENFORCEMENT GRANTS FUND:**

|                                       |          |          |
|---------------------------------------|----------|----------|
| Heartland Bank                        | SS       | 125.84   |
| Retirement Plans Division of Ameritas | Ret      | 127.49   |
| Verizon Wireless                      | Uti      | 100.87   |
| Payroll                               | Salaries | 1,645.00 |

### **INHERITANCE TAX FUND:**

|  |            |          |
|--|------------|----------|
| Kelch Plumbing, Heating, & Refrigeration | Ser, Equip | 8,876.80 |
|--|------------|----------|

### **911 COMMUNICATIONS CENTER FUND:**

|  |     |        |
|--|-----|--------|
| Geneva Broadband, LLC                    | Uti | 64.00  |
| Nebraska Public Power District           | Uti | 175.75 |
| Platte Valley Communications of Hastings | Sup | 457.35 |
| Windstream                               | Uti | 117.84 |

### **CLAIMS APPROVED**

Capek 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, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

### **EMERGENCY ACTIONS**

After discussion, Mueller moved and Johnson seconded the motion that if there is an emergency item that needs to be addressed that the Chairman needs to contact any two (2) board members to assist in the decision. Upon roll call, the vote was as follows:

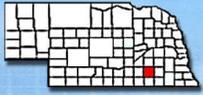
Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel  
Nays: None

The Chairman declared the motion carried.

### **CLOSED SESSION**

Mueller moved and Capek 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 of a claim or threat of litigation 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



# Fillmore County Board Minutes



March 22, 2016

Nays: None

The Chairman declared the motion carried and requested that the County Attorney, Deputy County Attorney, NIRMA Attorney, Pam Bourne (via conference call), and County Clerk remain. Executive session began at 1:47 p.m.

## **RETURN TO REGULAR SESSION**

Neiman moved and Capek seconded the motion to return to open session at 2:40 p.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.

## **ADJOURN**

As there was no other business to come before the Board, Noel moved and Mueller seconded the motion to adjourn until 9:10 a.m., April 12, 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.

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Chairman