

Fillmore County Board Minutes



July 26, 2016

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., July 26, 2016, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Cerny presiding. Members present were Noel, Capek, Galusha, Mueller, Neiman, and Johnson. Galusha absent from 1:00 p.m. to 1:18 p.m. & Capek absent from 1:00 to 2:11 p.m. and Mueller absent at 2:36 p.m. 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 2:41 p.m.

MINUTES

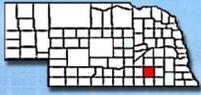
Chairman, Cerny approved the minutes from the July 12, 2016 meeting as presented.

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:

B & J Automotive	Rep	80.55
Bear Graphics, Inc.	Misc	32.03
Joseph N. Bixby DR	Ser	684.00
Blue Cross Blue Shield of Nebraska	Insur	114,213.42
Bottorf & Maser, Attorneys at Law	Ser, Mile	312.00
Business Telecommunications Systems	Rep	50.00
Capital Business Systems, Inc.	Ser, Copies	868.05
Cheyenne County Sheriff	Ser	18.50
Marilyn Christiancy	Ret	25.00
City of York	Ser, Misc	11,542.00
Clay County Sheriff	Ser	36.40
Corner Stop	Fuel	92.23
Sharon Elznic	Mtgs, Mile	60.24
Fillmore County Hospital	Ser	115.00
Fillmore County Sheriff	Ser, Mile	289.22
Fillmore County Treasurer	Transfer	50,000.00
First Concord Benefits Group, LLC	Insur, Ser	5,026.71
Geneva Home Center	Sup	93.73
Geneva Super Foods	Sup	577.17
Richard Girmus	Mtgs, Mile	42.96
Norma Gregory	Ret	25.00
Matt Hafer	Mtgs, Mile	47.28
Hamilton County Court	Ser	7.25
Matt Harre	Mtgs, Mile	32.28
Heartland Bank	SS	4,404.71
Frances Heinrichs	Meals, Mile	43.18
Steve Julich	Fuel	10.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Dues, Ser	3,702.50
Dean Kassik	Mtgs, Mile	62.40
MailFinance	Ser	302.24
Morley Most	Mtgs, Mile	64.56
Nebraska Association of Senior Centers	Wksh	90.00
Nebraska Department of Revenue	Wksh	150.00
Nebraska Law Enforcement Training Center	Wksh	95.00
Nebraska Public Power District	Uti	3,913.75
Nebraska Safety and Fire Equipment Inc.	Sup	152.31



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Reg Noel	Mtgs, Mile	31.20
Region V Services	Budget request	2,621.00
Retirement Plans Division of Ameritas	Ret	4,201.45
Dan Risseeuw	Mtgs, Mile	55.92
Skalka & Baack Law Firm	Ser	362.22
Sparqdata Solutions	Ser	265.00
State of Nebraska – DAS State Accounting	Ser	51.60
State of Nebraska Health & Human Service	June Patient care	180.00
Rhonda Stokebrand	Mile, Wksh	64.51
Allan Stuckey	Mtgs, Mile	62.40
Taylor Lawn Sprinklers, LLC	Rep	144.70
Total Funds by Hasler	Post	700.00
Verizon Wireless	Uti	720.93
Windstream	Uti	1,040.63
York County Sheriff	Ser, Mile	18.50
Payroll	Salaries	62,971.98

ROAD/BRIDGE FUND:

The Boulder Company	Sup	50.70
Certified Truck & Trailer, Inc.	Parts	1,027.19
Corner Stop	Fuel	1,507.53
Dorchester Farmers Coop	Sup, Fuel	6,383.65
Geneva Home Center	Sup	24.90
Geneva Super Foods	Sup	10.74
Grafton Mini Mart	Fuel	58.70
Grafton Oil, Inc.	Fuel	631.90
Heartland Bank	SS	2,195.53
John Deere Financial	Parts	5.12
Nebraska Department of Roads Controller	Rep	298.50
Nebraska Public Power District	Uti	388.62
NMC Exchange, LLC	Parts, Rep	2,874.61
Perennial Public Power District	Uti	71.35
Precision Signs and Graphics	Sup	211.00
Retirement Plans Division of Ameritas	Ret	2,001.79
Speece Lewis Engineers	Ser, Fees	15,682.72
Verizon Wireless	Uti	89.28
Village of Exeter	Uti	18.70
Village of Fairmont	Uti	43.04
Village of Ohioa	Uti	30.00
Yant Equipment, Inc.	Rep	85.46
Payroll	Salaries	29,771.86

SHERIFF – SPECIAL LAW ENFORCEMENT GRANTS FUND:

Heartland Bank	SS	123.55
Retirement Plans Division of Ameritas	Ret	125.16
Verizon Wireless	Uti	63.88
Payroll	Salaries	1,615.00

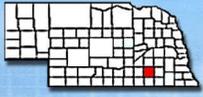
INHERITANCE TAX FUND:

Carrier Corporation	Rep, Equip	6,031.02
Woods & Aitken, LLP	Ser	351.00

911 COMMUNICATIONS CENTER FUND:

Nemaha County Sheriff's Office	Ser	201.08
Nebraska Public Power District	Uti	263.97

CLAIMS APPROVED



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Johnson moved and Neiman 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.

VETERANS SERVICE OFFICE/POSITION

Nick Wollenburg, York Veterans Service Officer informed the Board that on July 19th that Bob Mueller and Larry Cerny along with the entire Veterans Service Board attended the York County Commissioners meeting to request approval to enter into an interlocal agreement with York County for the Veterans Service Officer. After discussion the York County Commissioners agreed to enter into an interlocal agreement which will be approved at the August 9th meeting after approval from the County Attorney.

Johnson informed the Board that she would suggest that Jennifer Slezak be hired for the Veterans Service Administrative Assistant and pay her an additional \$2.00 per hour for this position. Jennifer would still be the Planning and Zoning Administrator for the County. After discussion, Nick suggested that if Jennifer would be hired that we pay her an additional \$7,500.00 a year. After further discussion, the Board agreed that if Jennifer would like to apply for the position and if she is selected then they would discuss the pay at that time.

Sherri Nun, Frank Schropfer, Don Kimbrough, Mike Jenkins, and Abbi Gurley were present for all of the Veterans Service items.

VETERANS SERVICE BOARD

After discussion, Mueller moved and Capek seconded the motion to add a sixth (6th) non-voting member to the Veterans Service Board for a one year term. This non-voting member will be rotated from each community as the terms expire. 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 PERMIT

Noel moved and Johnson seconded the motion to approve the following driveway permit as presented by the Highway Department:

Circle 5 Feed Yard – install a new driveway on south side of the SW ¼, Section 25-8-3, West Blue Township.

Upon roll call, the vote was as follows:

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

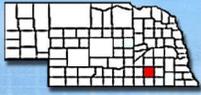
Nays: None Abstaining due to conflict of interest: Neiman

The Chairman declared the motion carried.

MILLIGAN ROAD UPDATE

Pat Halbur, Highway Superintendent informed the Board that Tiemann Construction has the four and a half (4 ½) miles completed on Road 24. The road still needs some work which will be completed by the Road Department as moisture is needed to finish the work.

ASSISTANT HIGHWAY SUPERINTENDENT



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Highway Superintendent, Pat Halbur informed the Board that she would like to start advertising for the Assistant Highway Superintendent position but due to the new overtime ruling from the Department of Labor (that will be effective on December 1, 2016) this position will need to hourly or raise the salary level above \$47,476.00. After discussion, the Board agreed that this position will be hourly.

DISCUSSION REGARDING TIRE BIDS

Supervisor Johnson inquired if there was a bid for the tires that were recently purchased. Pat explained that due to a new mechanic that there was a misunderstanding at how much could be purchased without getting prior bids.

INTERLOCAL AGREEMENT WITH BRYANT AND GENEVA TOWNSHIP

Neiman moved and Capek seconded the motion to approve the Interlocal Agreements with Bryant and Geneva Township for road maintenance at \$110.00 per hour. 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.

GENEVA TOWNSHIP BUDGET REQUEST

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

RESOLUTION 2016 – 13

WHEREAS, a Nebraska Statute 77-3443 (3) requires all political subdivisions subject to county levy authority to submit a preliminary request for levy allocation to the County Board; and

WHEREAS, the Fillmore County Board is the levy authority for the Geneva Township;

NOW, THEREFORE BE IT RESOLVED that the following is Geneva Township Board's tax request for budget year 2016/2017:

General Fund \$20,000.00.

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.

BRYANT TOWNSHIP BUDGET REQUEST

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

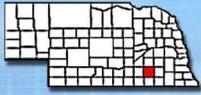
RESOLUTION 2016 – 14

WHEREAS, a Nebraska Statute 77-3443 (3) requires all political subdivisions subject to county levy authority to submit a preliminary request for levy allocation to the County Board; and

WHEREAS, the Fillmore County Board is the levy authority for the Bryant Township;

NOW, THEREFORE BE IT RESOLVED that the following is Bryant Township Board's tax request for budget year 2016/2017:

General Fund \$15,000.00.



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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.

EAST OFFICE BUILDING TRENCHING

After demolition of the old hospital, there will need to be a trench dug to connect the two office buildings at Fillmore County East. The following trenching bids were received: Rizzo Electric, LLC - \$1,646.00 and Halbur Electric, LLC - \$2,875.00.

After discussion, Johnson moved and Mueller seconded the motion to contract with Rizzo Electric, LLC for the trenching at the East Office Building. 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.

OLD HOSPITAL DEMOLITION

Supervisor Johnson inquired at why the demolition was taking longer than expected and wants to ensure that the proper fill dirt was required in the contract. After review, in the specifications listed the following "Must provide a start and end date. Project must be completed by December 1, 2016" and "Appropriate earth fill to bring the foundation portion of the building to natural grade"

EAST OFFICE BUILDING

Chairman Cerny informed the Board that after removing the wallpaper in the reception area at Fillmore County East that there was a little mold discovered. Randy Capek was contracted to remove a small amount of drywall in that area to ensure that the mold has not spread. After removal, there was no mold behind the drywall. Barb Nunns Papering & Painting submitted a quote of \$600.00 for the paint and labor of the reception area.

GENERAL ASSISTANCE

General Assistance applicant #2016-01 presented an application to the Board for review. After discussion with the applicant, Mueller moved and Johnson seconded the motion to approve a one month supply of the medication requested, if more assistance is required the applicant will need to return to the Board. Upon roll call, the vote was as follows:

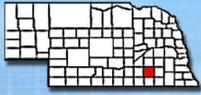
Ayes: Capek, Cerny, Galusha, Johnson, Mueller, Neiman, and Noel
Nays: None

The Chairman declared the motion carried.

AGING PARTNERS AND SENIOR SERVICES UPDATE AND BUDGET REQUEST

Martha Hakenkamp, Program Manager, and Denise Boyd with Aging Partners, and Brenda Motis, Director of Senior Services presented the annual report and budget request of \$17,334.00 for fiscal year 2016/2017. Rhonda Stokebrand, Senior Services Case Worker and Linda Heinisch, Aging Partners board member were present for the discussion.

FILLMORE COUNTY DEVELOPMENT CORPORATION ANNUAL REPORT AND BUDGET REQUEST



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Fillmore County Development Board members Bart Brinkman and Ann Jansky presented the annual report and budget request of \$40,000.00 for fiscal year 2016/2017. Mary Johnson and Meredith Emshoff were present for the discussion.

DISCUSSION REGARDING UNAUDITED ACCOUNTS

After discussion, Johnson moved and Mueller seconded the motion that all departments that have a checking or savings account that are not audited by the contracted auditor will need to submit a quarterly report to the board by the 15th of January, April, July, and September of each year for the quarter ending. Each department will need to provide an income and expense statement showing that quarters business and include a bank statement showing all balances. 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.

AUTHORIZING BOARD CHAIRMAN AND COUNTY CLERK TO ACT ON BEHALF OF THE BOARD

After discussion, Johnson moved and Neiman seconded the introduction of the following resolution:

RESOLUTION 2016 – 15

WHEREAS, the County Board of Supervisors meet the second and fourth Tuesday of every month;

WHEREAS, the salary of all county employees are paid every other week and the payments of such salaries must be approved prior to the issuance of such pay checks; and

WHEREAS, although the Board shall not hold regular meetings in between the second and fourth Tuesday of every month, the activities of County government shall continue and certain claims, warrants and payment of salaries must be acted upon every other week; and

WHEREAS, since the salaries of the employees of the County of Fillmore are paid every other week and the County Board must approve the payment of the wages of the county employees prior to the preparation and issuance of such payments which approval by the County Board is not possible in light of the fact that the County Board only meets on the second and fourth Tuesday of every month; and

WHEREAS, in order to pay the wages of the employees of the County of Fillmore every other Friday, it will be necessary for at least one member of the County Board and the County Clerk to approve the issuance of the payment of wages prior to the preparation and issuance of such paychecks irrespective of whether the approval is made on the second and fourth Tuesday of every month.

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body corporate and politic are exercised through the County Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE FILLMORE COUNTY BOARD OF SUPERVISORS THAT, PURSUANT TO THE STATUTORY AUTHORITY OF THIS Board as set forth above, the Chairman of the Fillmore County Board of Supervisors and the Fillmore County Clerk, in between the second and fourth Tuesday of every month, are hereby authorized to prepare claims and issue warrants for the following expenditures, as this Board has previously approved such expenditures through budget approval, approval of contracts, and related processes:

1. Payroll and associated expenses;
2. Utilities;
3. Lease payments;
4. Contract and/or other installment payments which have been contracted for or authorized by action of this Board;

The aforementioned individuals have no authority to conduct County business beyond that stated above. Payments pursuant to paragraphs 1 through 4 above of this Resolution may only be made in those instances when required by law or enforceable contractual obligations. Any other action may only be undertaken by the Board either in an



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Emergency Meeting, when such meeting has been called or convened pursuant to Neb. Rev. Stat. §84-1411, or pursuant to a meeting convened by the County Clerk pursuant to Neb. Rev. Stat. §23-154.

The above and foregoing Resolution was duly approved by a vote of the Fillmore County Board of Supervisors at a public meeting duly held in accordance with applicable law on this 26th day of July, 2016 and shall remain enforceable until such Resolution has been revoked.

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.

BAILIFF BUDGET REQUEST

District Judge, Vicky Johnson submitted a budget request for the bailiff of \$10,731.26 for Fillmore County for fiscal year 2016/2017. Bailiff costs are shared with Clay, Nuckolls, Saline, and Thayer Counties.

SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT

David Taladay, Executive Director with Southeast Nebraska Development District (SEND) submitted a budget request for 2016/2017 of \$7,094.00 (this is the eighth year without an increase).

APPOINT BUDGET MAKING AUTHORITY

Johnson moved and Neiman seconded the motion to appoint County Clerk, Amy Nelson the budget making authority for the county for the current fiscal year as provided by a resolution adopted January 7, 2014. 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.

AMENDED ACKLAND SUBDIVISION

Planning and Zoning Administrator, Jennifer Slezak presented an amended Ackland Subdivision located in the SW ¼ of the NW ¼, Section 23-7-3, Geneva Township.

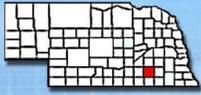
After discussion, Neiman moved and Noel seconded the motion to approve the amended Ackland Subdivision removing the easement with the following legal description: a tract of land in the SW ¼ NW ¼ of Section 23, Township 7 North, Range 3 West of the 6th P.M., Fillmore County, Nebraska, being more particularly described as follows: referring to the SW corner of the NW 1/4, thence N01°32'42"W, 290.00 ft. on the west line of said NW ¼ to the point of beginning; thence continuing N 01°32'42"W, 858.00 ft. on said west line; thence S 89°56'04"E, 350.14 ft.; thence S 01°32'43"E, 635.30 ft.; thence S 34°11'13"W, 216.82 ft.; thence S 59°35'05"W, 209.41 ft.; thence N 01°32'41"W, 64.25 ft.; thence S 88°27'21"W, 40.00 ft. to the point of beginning, containing 6.55 acres more or less, which includes 0.65 acres more or less used for county road purposes.

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.

NCRS SUBDIVISION



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Jennifer Slezak, Planning and Zoning Administrator submitted the plat for the NCRS Subdivision located in the SE ¼ of the SE ¼, Section 5-8-1, Exeter Township.

After discussion, Johnson moved and Mueller seconded the motion to approve the NCRS Subdivision with the following legal description: a tract of land in the SE ¼ SE ¼ of Section 5, Township 8 North, Range 1 West of the 6th P.M., Fillmore County, Nebraska, being more particularly described as follows: referring to the SE corner of the SE ¼; thence N 00°14'33"E, 781.77 ft. on the east line of said SE ¼ to the point of beginning, thence N 89°45'20"W, 361.70 ft.; thence S 00°00'00"W, 76.55 ft.; thence S 90°00'00"W, 207.90 ft.; thence N 00°32'26"E, 64.53 ft.; thence S 90°00'00"E, 107.75 ft.; thence N 00°00'00"E, 284.28 ft.; thence N 88°36'11"E, 462.58 ft. to the said east line; thence S 00°14'33"W, 285.08 ft. on said east line to the point of beginning, containing 3.29 acres more or less, which includes 0.22 acres more or less used for county road purposes.

Upon roll call, the vote was as follows:

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

The Chairman declare the motion carried.

BUDGET REVIEWS

During the open meeting the Board reviewed the following budgets with the officials: Building and Grounds, Noxious Weed, Road Department, County Assessor, County Court, Planning and Zoning, County Office Building East, County Attorney, County Treasurer, County Board, County Clerk, Register of Deeds, Elections, Data Processing, Employment Security, Insurance, Economic Development, Emergency Management, and Surveyor.

ADJOURN

As there was no other business to come before the Board, Neiman moved and Johnson seconded the motion to adjourn until 9:10 a.m., August 9, 2016. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman