



# Fillmore County Board Minutes



November 7, 2016

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., November 7, 2016, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Cerny presiding. Members present were Noel, Capek, Galusha, Mueller, Johnson. Neiman 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 at 11:32 a.m.

## MINUTES

Chairman, Cerny approved the minutes from the October 25, 2016 meeting as presented.

## NOXIOUS WEED UPDATE

Todd Boller, Noxious Weed Superintendent informed the Board that this year was one of the toughest years regarding spraying weeds. Todd received his three-year recertification last week.

## BACKHOE AWARD

Highway Superintendent, Pat Halbur informed the Board that after review of bids and having used each of the machines, the Road Department recommend either a Caterpillar or Case backhoe.

Mueller moved and Noel seconded the motion to purchase the 2017 Caterpillar 420F2 IT for \$120,075.00 with the pallet forks for \$3,235.00 and grab tec grapple for \$6,310.00 for a total of \$129,620.00. Upon roll call, the vote was as follows:

Ayes: Cerny and Mueller

Nays: Capek, Galusha, Johnson, and Noel

The Chairman declared the motion failed.

## 2<sup>ND</sup> BACKHOE MOTION

After discussion, Johnson moved and Capek seconded the motion to purchase the 2017 JCB 3CX 14 Super with 101 HP for \$98,900.00 with pallet forks for \$2,732.00 and grab tec grapple for \$5,795.00 for a total of \$107,427.00. Upon roll call, the vote was as follows:

Ayes: Capek, Galusha, Johnson, and Mueller

Nays: Cerny and Noel

The Chairman declared the motion carried.

## TEMPORARY DRIVEWAY PERMIT

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

Milligan Hwy. 41 Express Stop – install a temporary driveway on the east side of the SE ¼, Section 2-6-1, Glengary Township. The County will supply the temporary culvert and install.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.



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## **DRIVEWAY PERMIT**

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

Virginia Richards – replace an existing driveway on the south side of the SW ¼, Section 4-6-3, Stanton Township.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## **CLEAN SILT PERMIT**

Mueller moved and Johnson seconded the motion to approve the following clean silt permit as presented by the Highway Department:

Virginia Richards – clean silt along the south side of the SW ¼, Section 4-6-3, Stanton Township and place back in the field.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## **DISCUSSION REGARDING CLEANING OUT STORAGE BUILDINGS**

Pat Halbur, Highway Superintendent informed the Board that there are about three storage buildings at the road department to store the backhoe inside. There are multiple items that are from the Clerk, Treasurer, Clerk of District Court, and Sheriff's office. After discussion, the Board will discuss with each of these offices what items to sell or dispose of.

## **SURPLUS ITEMS**

After discussion, Noel moved and Capek seconded the motion to declare the list (copy retained in Clerk's office) as surplus from the storage buildings at the Road Department. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

## **DRUG AND ALCOHOL TESTING**

Highway Superintendent, Pat Halbur requested that the CDL requirement be removed from the job descriptions that would not be using that as part of their job. This would require the drug and alcohol testing policy to be rewritten. After discussion, Pat and County Clerk will work with the NIRMA attorney in getting this policy rewritten and placed in the handbook.

## **UTILITY AGREEMENT WITH PERENNIAL PUBLIC POWER**

After discussion, Mueller moved and Johnson seconded the motion to approve and sign the utility agreement with Perennial Public Power District for the Exeter Avenue grading project. Upon roll call, the vote was as follows:

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

Nays: None



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The Chairman declared the motion carried.

## FEE REPORTS

Mueller moved and Noel seconded the motion to approve the fee reports for the month of October 2016 as follows:

**County Clerk \$6,568.35** (State \$2,926.08 & County \$3,642.27)  
**Clerk of the District Court: \$330.28**  
**County Sheriff \$1,444.63**

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## PUBLIC HEARING FOR MANNING GRAIN LIQUOR LICENSE

Public hearing for Manning Grain Liquor License was opened at 11:00 a.m.

### CLOSE PUBLIC HEARING

As there was no one present to testify for or against the Manning Grain Liquor License, Noel moved and Mueller seconded the motion to close the public hearing at 11:05 a.m. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## MANNING GRAIN LIQUOR LICENSE

Capek moved and Mueller seconded the motion to approve the Manning Grain Company Class AB liquor license to sell beer on and off sale as presented. Upon roll call, the vote was as follows:

Ayes: Capek, Cerny, Galusha, Johnson, Mueller, and Noel  
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, Uti – utilities, Wksh – workshop expense.

### GENERAL FUND:

Howard Ach	Rent, Post, Equip	1,377.96
Adams County Sheriff	Ser	19.00
Awards Plus	Sup	136.00
B & J Automotive	Main, Rep	570.93
Gary Beran	Mile, Witness	69.14
Peggy Birky	Sup	34.22
Black Hills Energy	Uti	254.23
Carrier Corp.	Rep, Main	6,021.52



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Century Lumber	Rep	409.05
Chaney Chemical, Inc.	Sup	549.10
City of Geneva	Uti	340.40
Consolidated Management Company	Meals	173.19
Diebold, Inc.	Main	250.37
Dollar General	Sup	172.73
Election Systems & Software, Inc.	Sup	7,583.27
Ellison Lawn and Yard Service	Ser	300.00
Farmer & Son Funeral Homes, Inc.	Ser	50.00
Fillmore County Clerk of the District Court	Fees	108.00
Fillmore County Treasurer	Transfer	120,000.00
First Concord Group, Inc.	Insur, Ser	1,909.28
Malrie F. Fuehrer	Mile, Witness	102.64
Twila Fuller	Mile, Witness	46.24
Geneva Tire	Main	101.52
Heartland Bank	Sup, SS	4,397.19
Lori Heiden	Mile, Witness	52.40
Hometown Leasing	Ser	1,052.60
JEO Consulting Group, Inc.	Ser	1,871.25
Jurors	Juror fees, Mile	4,697.36
Kopchos Sanitation, Inc.	Uti	137.75
Stephen J. Kraviec	Ser, Post	1,753.98
Madison National Life Insurance Co.	Insur	131.51
MIPS, Inc.	Ser	3,237.79
Brenda Motis	Mile	161.24
Nebraska Law Enforcement Training Center	Wksh	330.00
The Nebraska Signal	Pro, Ads	2,956.56
Barb Nunns	Rep	850.00
Precision Signs & Graphics	Sup	288.00
Douglas M. Preslicka	Mile, Witness	56.18
Eric Preslicka	Mile, Witness	53.26
Stephen Preslicka	Witness	20.00
Region V Systems	EPC billing	764.00
RepCo Marketing, Inc.	Sup	43.50
Retirement Plans Division of Ameritas	Ret	4,127.82
RR Donnelley	Sup	518.15
Terry Salyer	Mile, Witness	71.97
Secretary of State – Elections Division	Sup	10.00
Shell Fleet Plus	Fuel	1,575.51
Tom L. Sommerfeld	Mile, Witness	140.87
Sqarqdata	Ser	265.00
Stanley Tatro Enterprises, Inc.	Rep	48,800.00
State of Nebraska AS Central Finance	Ser	448.00
TAP Publishing	Subscription	528.73
Thayer County Treasurer	Sup	205.00
Unifirst Corp.	Ser	183.36
University of Nebraska – Lincoln	4-H 1 <sup>st</sup> Qrt.	1,944.43
US Bank, CPS	Meals, Sup, Lodging, Post	650.93
Payroll	Salaries	60,626.71

## **ROAD/BRIDGE FUND:**

Barco Municipal Products, Inc.	Parts	1,022.75
Bill's Repair	Parts	248.69
Black Hills Energy	Uti	93.07
Century Lumber Center	Parts	179.53
City of Geneva	Uti	58.10
Dorchester Farmers Coop	Fuel	2,597.78
Fireguard, Inc.	Sup	418.00
Geneva Implement Co., Inc.	Parts	151.00



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Geneva Milling Co., Inc.	Sup	37.85
Geneva Tire	Rep, Main	722.59
Grafton Oil, Inc.	Fuel	1,627.97
Heartland Bank	SS	2,071.99
Heath, Inc.	Parts	489.95
John Deere Financial	Parts, Sup, Main	2,972.08
Kaiser Auto Supply, LLC	Parts, Sup, Rep	864.17
Kopchos Sanitation, Inc.	Uti	51.00
MIPS, Inc.	Ser	128.31
Nebr Iowa Industrial Fasteners Corp	Sup	80.21
The Nebraska Signal	Ads	138.22
Nichols Construction	Gravel	116,634.98
Nick's Farm Store Co.	Rep	65.79
Northern Safety Co., Inc.	Equip	280.05
Perennial Public Power District	Uti	54.68
Power Plan	Parts, Rep	2,366.13
Productivity Plus Account	Parts	419.25
Quill Corp.	Sup	69.96
Retirement Plans Division of Ameritas	Ret	1,892.44
Shell Fleet Plus	Fuel	1,609.41
US Bank CPS	Post	2.62
Village of Ohiowa	Uti	30.00
Village of Shickley	Uti	23.43
Payroll	Salaries	28,139.02

## **REGISTER OF DEEDS PRESERVATION FUND:**

MIPS, Inc.	Serh	130.78
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## **SHERIFF – SPECIAL LAW ENFORCEMENT GRANTS FUND:**

Heartland Bank	SS	128.52
Retirement Plans Division of Ameritas	Ret	130.20
Payroll	Salaries	1,680.00

## **INHERITANCE TAX FUND:**

Woods & Aitken, LLP	Ser	429.00
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## **COURTHOUSE BOND FUND:**

Cornerstone Bank	Principal & Interest	55,728.75
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## **ROAD BOND FUND:**

Cornerstone Bank	Principal & Interest	41,585.00
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## **HOSPITAL OPERATING FUND:**

Fillmore County Hospital	October taxes	280.30
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## **911 COMMUNICATIONS CENTER FUND:**

Windstream Communications	Equip	1,003.95
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### **CLAIMS APPROVED**

Johnson moved and Galusha seconded the motion to approve the claims as presented and to hold the check to Stanley Tatro Enterprises, LLC until the dirt work is complete or further board action. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.



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## AGUIRRE ACRES 2<sup>ND</sup> ADDITION

Planning and Zoning Administrator, Jennifer Slezak submitted a plat for the Aguirre Acres 2<sup>nd</sup> Addition Subdivision located in the NE ¼ NE ¼, Section 16-5-1, Franklin Township.

Capek moved and Galusha seconded the motion to approve the Aguirre Acres 2<sup>nd</sup> Addition Subdivision as presented. Legal description is: a tract of land comprising all of Aguirre Acres and a part of the Northeast Quarter of the Northeast Quarter (NE ¼, NE ¼,) Section Sixteen (16), Township Five (5) North, Range One (1) West of the 6<sup>th</sup> P.M., Fillmore County, Nebraska. More particularly described as follows: beginning at the northeast corner of said NE ¼, NE ¼, said point also being the northeast corner of Aguirre Acres; thence S 00°24'41"W on and upon the east line of said NE ¼, NE ¼ a distance of 253.97 feet to the northeast corner of a Cemetery; thence S 89°14'38" W on and upon the north line of said Cemetery a distance of 180.30 feet to the northwest corner of said Cemetery; thence S 02°43'03"W on and upon the west line of said Cemetery a distance of 121.10 feet to the southwest corner of said Cemetery; thence S 88°44'43"E on and upon the south line of said Cemetery a distance of 185.19 feet to the southeast corner of said Cemetery, said point being on the east line of said NE ¼, NE ¼; thence S 00°24'41"W on and upon the east line of said NE ¼, NE ¼ a distance of 193.47 feet to a point; thence N 86°44'19"W a distance of 634.35 feet to a point; thence N 00°09'22"E a distance of 540.00 feet to the northwest corner of Aguirre Acres, said point being on the north line of said NE ¼, NE ¼; thence S 89°53'09"E on and upon the north line of said NE ¼, NE ¼ a distance of 635.98 feet to the point of beginning. Said tract contains 7.602 acres more or less of which 0.795 acres are occupied by County Road right-of-way.

Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## NACO ANNUAL CONFERENCE VOTING CONFIRMATION

After discussion, Johnson moved and Noel seconded the motion to appoint Chairman, Larry Cerny to cast a ballot at the NACO Annual Conference and Board member Robert Mueller as the alternate if Chairman is absent. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

## VISITOR'S COMMITTEE

Johnson moved and Galusha seconded the motion to appoint Wanda Marget to the Visitor's Committee to replace Gene Fischer with the term ending May 31, 2019. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

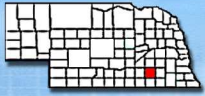
## COUNTY CAR

Senior Services reported the county car that they use is needing a new battery.

## ADJOURN

As there was no other business to come before the Board, Noel moved and Johnson seconded the motion to adjourn until 9:10 a.m., November 22, 2016. Upon roll call, the vote was as follows:

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



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The Chairman declared the motion carried.

Attest

Chairman