



# Fillmore County Board Minutes



November 22, 2016

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., November 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.

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 2:17 p.m.

## MINUTES

At the request of County Clerk, Johnson moved and Mueller seconded the motion to add that the Board received a letter from The State of Nebraska Board of Engineers and Architects regarding a complaint filed regarding the demolition of the old hospital. The letter states that "Upon review of the complaint, the Board dismissed the complaint due to lack of probable cause." The original letter will be retained in the County Clerk's office. 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.

## EXTENSION OFFICE UPDATE

Brandy VanDeWalle and Rachel Olson informed the Board of the programs that they offer throughout the year. Rachel is offering programs in all the schools within the County.

## DRIVEWAY PERMITS

Mueller moved and Noel seconded the motion to approve the driveway permits as presented by the Highway Department:

RM Farms – install a new 40 ft. driveway on the west side of the NW  $\frac{1}{4}$ , Section 14-6-4, Momence Township;  
NCRS Farms, LLC – replace an existing driveway on the south side of the SE  $\frac{1}{4}$ , Section 5-8-1, Exeter Township;  
NCRS Farms, LLC – replace an existing driveway on the south side of the SE  $\frac{1}{4}$ , Section 5-8-1, Exeter Township;  
Wes Eberspacher Trust – remove three (3) driveways and replace with two (2) 40 ft. driveways on the north and west side of the NW  $\frac{1}{4}$ , Section 16-7-1, Liberty Township;  
Lynn Yates – widen an existing driveway to 40 ft. on the north side of the NE  $\frac{1}{4}$ , Section 23-6-3, Stanton Township;  
Lynn Yates – widen an existing driveway to 40 ft. on the east side of the NE  $\frac{1}{4}$ , Section 23-6-3, Stanton Township; and  
Dale Weber – replace an existing driveway to 40 ft. on the west side of the NW  $\frac{1}{4}$ , Section 4-7-1, Liberty 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

After discussion, Mueller moved and Neiman seconded the motion to approve the following two driveway permits with eighteen (18) inch culverts and not ten (10) inch culverts as requested:

Rich Girmus – replace an existing driveway on the south side of the SW  $\frac{1}{4}$ , Section 8-6-1, Glengary Township;  
and



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Joseph Hranac/Agrimars, LLC – replace an existing driveway on the north side of the NW ¼, Section 34-6-2, Chelsea 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.

## CLEAN SILT PERMIT

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

Jerry Ulmer – clean silt from the road ditch along the south side of the SW ¼, Section 8-7-4, Bennett Township and place silt back into the field;

Deb Penry – clean silt from the road ditch along the west side of the NW ¼, Section 8-5-1, Franklin Township and place silt in a dirt pile; and

Chad Bumgarner – clean silt from the road ditch along the north side of the NE ¼, Section 32-6-2, Chelsea Township and place silt back into the field.

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.

## CLEAN SILT PERMIT

After discussion, Neiman moved and Mueller seconded the motion to approve the following clean silt permit and that the County will not be cleaning out the trees as requested (trees are not affecting the road):

Dick Brookes – clean silt from the road ditch along the south side of the SE ¼, Section 18-6-2, Chelsea Township and place back in the field.

Upon roll call, the vote was as follows:

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

Nays: Noel

The Chairman declared the motion carried.

## ROAD 20

Due to the plans, not being complete from the engineer, the letting for Road 20 has been moved to December 13, 2016 at 10:00 a.m.

## AGREEMENTS WITH TOWNSHIPS

After discussion, Neiman moved and Capek seconded the motion to approve the interlocal agreements with Franklin, Hamilton, Chelsea, Stanton, Madison, Bennett, Exeter-Fairmont, and Grafton Townships as requested by the county's insurance carrier NIRMA. Glengary and West Blue Township have already been approved and still waiting for Belle Prairie, Momence, and Liberty Townships to submit. Upon roll call, the vote was as follows:

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

Nays: None



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The Chairman declared the motion carried.

## **PERENNIAL AND NPPD AGREEMENT FOR SECTIONS 26 & 27, GENEVA TOWNSHIP**

After discussion, Mueller moved and Galusha seconded the motion to approve and sign the agreements with Perennial Public Power District and Nebraska Public Power District to relocate the utility poles for the bridge project located between Sections 26 & 27, Geneva 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.

## **PERENNIAL AGREEMENT FOR PROJECTS C30(316) & C30(407)**

Johnson moved and Neiman seconded the motion to approve and sign the agreement with Perennial Public Power District to relocate the utility poles for the two culvert projects located between Sections 13 and 24, Belle Prairie 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.

## **OTHER ROAD DEPARTMENT DISCUSSION**

Highway Superintendent, Pat Halbur informed the Board that she will not be purchasing a new air compressor due to the cost and has found someone that will fix the current air compressor.

Pat has worked with an attorney at NIRMA to discuss the drug and alcohol testing policy that the county currently has. After discussion, the Board will check with insurance carrier NIRMA to get a recommendation as to a policy that will work for the county and have their approval.

Supervisor Neiman discussed the purchase of the new backhoe with the Board and requested that the Board either accept the recommendation of the Highway Superintendent and employees or ensure that they have reviewed the bids to be sure that all bid specifications and requirements are met.

## **PUBLIC HEARING FOR APEX CLEAN ENERGY METEOROLOGICAL TOWER**

Public hearing for Apex Clean Energy to construct a meteorological tower in the NE ¼, Section 10, Belle Prairie Township was opened at 10:55 a.m. The following were present for both of the public hearings: Patt Lentfer, Terry B. Backstrom, Jon Yoachim, David Savage, Dylan Ikkala, Nick Schuler, Sondra L. Backstrom, Goryn Nun, Len Schropfer, Michael Matheson, Darrel Hayek. Those that spoke during the meeting were not against the meteorological tower but were not in favor of a wind farm.

After discussion, Neiman moved and Mueller seconded the motion to close the public hearing for Apex Clean Energy at 11:12 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.

## **CONDITIONAL USE PERMIT FOR APEX CLEAN ENERGY**

Neiman moved and Capek seconded the motion to approve the conditional use permit for Apex Clean Energy to construct a meteorological tower in the NE ¼, Section 10, Belle Prairie Township. Upon roll call, the vote was as follows:

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



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Nays: None

The Chairman declared the motion carried.

## **PUBLIC HEARING FOR AKSAMIT ENERGY DEVELOPMENT METEOROLOGICAL TOWER**

Public hearing for Aksamit Energy Development to construct a meteorological tower in the N ½ SE ¼ and a tract in the SW ¼ NE ¼, Section 29, Glengary Township was opened at 11:20 a.m.

After discussion, Noel moved and Mueller seconded the motion to close the public hearing for Aksamit Energy Development at 11:31 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.

## **CONDITIONAL USE PERMIT FOR AKSAMIT ENERGY DEVELOPMENT**

Mueller moved and Neiman seconded the motion to approve the conditional use permit for Aksamit Energy Development to construct a meteorological tower in the N ½ SE ¼ and a tract in the SW ¼ NE ¼, Section 29, Glengary Township. Upon roll call, the vote was as follows:

Ayes: Cerny, Galusha, Mueller, Neiman, and Noel

Nays: Johnson                      Abstaining: Capek

The Chairman declared the motion carried.

## **LETTING FOR WEST ENTRANCE & WINDOW PROJECT**

Opened a bid for the west entrance and window project for the courthouse. The bid was from JLC, Inc. out of York for \$197,900.00 to be completed in 360 calendar days. After discussion, the Board will hold until the December 13, 2016 meeting and requested that Jerry Berggren with Berggren Architects be present.

## **CHIEF PROBATION OFFICER**

Jeremy Behrends, Chief Probation Officer introduced himself to the Board since he started September 1, 2016. He reviewed what his goals are and that they will be hiring two new staff members and would like to have their office here in Geneva. After discussion, Cerny will look at possible locations at the East office building and let Jeremy know.

## **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:**

Ruth (Peg) Becker	Ser	156.00
Bi-Versal Services, LLC	Ser	341.74
Peggy Birky	Sup	21.64
Bob Barker Company, Inc.	Sup	337.16
Capital Business Systems, Inc.	Ser	146.86
Centec Cast Metal Products	Sup	2,837.24
Chaney Chemical, Inc.	Sup	500.15
Marilyn Christiancy	Ret	25.00
City of Geneva	Uti	9.25
Consolidated Management Company	Meals	186.84
Cottonwood Title Company, Inc.	Ser	100.00



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Dugan Business Products	Sup	697.41
Eakes Office Solutions	Sup	316.24
General Election Poll Workers	Salaries	6,678.07
Exeter Senior Center	USDA, Misc	476.10
Fairmont Aging Services	USDA, Misc.	2,156.10
Fillmore County Court	Ser	152.70
Fire Guard, Inc.	Sup	64.75
Geneva Broadband	Uti	128.00
Geneva Home Center	Sup, Equip	682.25
Geneva Senior Center	USDA, Misc.	3,228.00
Geneva Super Foods	Sup	735.60
Geneva Tire	Rep, Main	250.35
Heartland Bank	SS	4,186.90
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Uti, Sup	3,118.03
Jerry Knoche	Mile	14.04
Loup Valley Lighting, Inc.	Sup	297.50
Madison National Life Insurance Co.	Insur	4.54
Midwest Court Reporting, Inc.	Ser	4,833.75
Nebraska Association of County Officials	Wksh	1,125.00
Nebraska County Court Association	Dues	25.00
Nebraska Fire Sprinkler	Main	411.00
Nebraska Public Power District	Uti	1,433.90
The Nebraska Signal	Ads	149.00
Nebraska Weed Control Association	Dues	210.00
Nebraska.Gov	Ser	4.00
Rachel Olson	Mile	8.53
Overtime Grill and Lounge	Meals	87.75
Platte Valley Communications of Hastings	Rep	375.66
Stephen Preslicka	Meals	27.08
Proforma	Sup	355.35
Pulliam Plumbing, Inc.	Equip, Rep	325.00
Retirement Plans Division of Ameritas	Ret	4,070.53
Saline County Treasurer	Bailiff	10,731.26
Skalka & Baack Law Firm	Fees	468.22
State of Nebraska – DAS State Accounting	Ser	43.88
State of Nebraska – Health & Human Serv.	Oct. Patient Care	186.00
Sullivan Family Dentistry	Ser	325.00
SupplyWorks	Sup	285.87
Swartzendruber Floor Covering, LLC	Rep, Main	8,661.96
Thayer County Sheriff's Office	Ser	27.66
Thomson Reuters – West	Sup	359.00
Brandy VanDeWalle	Uti	25.00
Verizon Wireless	Uti	770.43
Village of Grafton	Rent	55.00
Village of Shickley	Rent	35.00
Weaver Pharmacy	Sup	52.90
Windstream	Uti	264.88
York News Times	Ads	74.57
Payroll	Salaries	59,812.93

## **ROAD/BRIDGE FUND:**

Action Auto Supply	Parts, Sup	34.30
Beatrice Concrete Co., Inc.	Gravel	2,461.17
Bi-Versal Services, LLC	Main	600.98
Casey's General Stores	Fuel	255.11
Corner Stop	Fuel	95.04
Dorchester Farmer's Coop	Fuel, Sup	2,612.93
Eakes Office Solutions	Ser	318.00
Geneva Broadband, LLC	Uti	40.00





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Geneva Home Center	Sup	25.19
Geneva Super Foods	Sup	25.16
Geneva Welding & Supply, Inc.	Sup, Parts	267.00
Grafton Oil, Inc.	Fuel	621.07
Heartland Bank	SS	1,993.44
Jill's Sweet Shop	Misc.	24.00
Lichti Oil	Fuel, Parts	997.00
Momar, Inc.	Sup	274.97
Nebraska Public Power District	Uti	223.58
NMC Exchange, LLC	Parts, Ser	8,762.55
Quill Corporation	Sup	112.96
Retirement Plans Division of Ameritas	Ret	1,822.96
US Bank, CPS	Post	8.00
Verizon Wireless	Uti	109.64
Village of Exeter	Uti	17.50
Village of Fairmont	Uti	22.92
Village of Grafton	Uti	36.65
Payroll	Salaries	27,109.70

### **ECONOMIC DEVELOPMENT – TOURISM FUND:**

Courtside Marketing	Ads	549.00
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### **SHERIFF – SPECIAL LAW ENFORCEMENT GRANTS FUND:**

Heartland Bank	SS	128.52
Retirement Plans Division of Ameritas	Ret	130.20
Verizon Wireless	Uti	63.82
Payroll	Salaries	1,680.00

### **INHERITANCE TAX FUND:**

Berggren Architects	Ser, Mile	8,627.00
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### **911 WIRELESS FUND:**

Carmichael Business Systems, Inc.	Main	3,500.00
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### **911 COMMUNICATIONS CENTER FUND:**

Geneva Broadband	Uti	64.00
Nebraska Public Power District	Uti	178.14
Windstream Communications	Uti	1,841.43

### **CLAIMS APPROVED**

Galusha moved and Neiman seconded the motion to approve the claims as presented and to release the check to Stanley Tatro Enterprises, LLC that was held from the previous meeting. 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.

### **SURPLUS ITEMS**

After discussion, Johnson moved and Neiman seconded the motion to declare metal shelving from the courthouse vaults and miscellaneous equipment/items as surplus from a building at the Road Department to either sell at a date to be determined or destroyed. Upon roll call, the vote was follows:

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

The Chairman declared the motion carried.



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## BOARD MEETINGS FOR JANUARY 2017

January 5, 2017 at 9:00 a.m. will be the swearing in for those starting a new term and then the Board will hold their reorganization meeting at 9:30 a.m. The first regular Board meeting will be January 10<sup>th</sup>.

### TV FOR BREAKROOM

County Clerk, Amy Nelson got the following bids:

Lichti TV & Appliance – a 24-inch for \$160.00 and a 32-inch for \$199.00  
Geneva TV & Appliance – a 24-inch for \$229.00 and a 32-inch for \$349.00

Neiman moved and Johnson seconded the motion to purchase the 32-inch TV from Lichti TV & Appliance for \$199.00 for the breakroom at the courthouse. Upon roll call, the vote was as follows:

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

Nays: Galusha

The Chairman declared the motion carried.

### EAST OFFICE BUILDING

After discussion, the sidewalk that was going to the old hospital from the East Office building will be removed by the Road Department.

### ADJOURN

Agenda item "Maintenance Agreement with Carrier Corp." will be discussed at a future meeting. As there was no other business to come before the Board, Mueller moved and Capek seconded the motion to adjourn until 9:10 a.m., December 13, 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.

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Attest

\_\_\_\_\_  
Chairman