



Fillmore County Board Minutes



January 8, 2019

The Fillmore County Board of Supervisors convened in open and public session at 9:07 a.m., January 8, 2019, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Graham, Harre, Cerny, and Lightwine. The County Clerk was present to record the minutes of the meeting. Holly Ackland 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 11:27 a.m.

MINUTES APPROVED

Chairman of the Board, Neiman declared the minutes from the December 26, 2018 and January 3, 2019 meetings approved as presented.

FEE REPORTS

Harre moved and Cerny seconded the motion to approve the December 2018 fee reports as presented:

County Clerk \$16,220.75 (State \$9,352.27 & County \$6,868.48)
Clerk of the District Court \$463.65
County Sheriff \$1,367.34

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

FILLMORE COUNTY DEVELOPMENT CORP.

The new Fillmore County Development Corporation Director Susan Lynch introduced herself to the Board. Susan informed the Board of a few things she is working on and asked what they would like to see from her.

DISCUSSION REGARDING THE BRIDGE ON ROAD 12 BETWEEN ROAD O AND ROAD P

The Board and Dennis Kimbrough discussed the bridge on Road 12 between Road O and Road P. Dennis thinks that this was put in place back in 1878 when it was homesteaded. Highway Superintendent, Pat Halbur informed the Board that the bridge needs work. Dennis would agree to have the bridge removed if he could still access his field from the east side of this quarter. Further discussion at the next meeting.

PUBLIC HEARING FOR CLOSURE OF A PORTION OF ROAD A BETWEEN ROAD 22 AND ROAD 23

Opened the public hearing for the closure of a portion of Road A between Road 22 and Road 23 at 9:45 a.m.

CLOSE PUBLIC HEARING FOR CLOSURE OF A PORTION OF ROAD A

Harre moved and Sluka seconded the motion to close the public hearing for the closure of a portion of Road A between Road 22 and Road 23 at 9:56 a.m. as no one appeared to testify for or against. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

CLOSURE OF A PORTION OF ROAD A BETWEEN ROAD 22 AND ROAD 23



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After discussion, Sluka moved and Harre seconded the introduction of the following resolution:

RESOLUTION 2019 - 07

WHEREAS, the Fillmore County Board directed the County Highway Superintendent, by resolution, to study the use being made of the West ½ mile of the public road located BETWEEN Section 3, T8N, R1W, Exeter Township, Fillmore County Nebraska and Section 34, T9N, R1W, York County, Nebraska.

WHEREAS, the Fillmore County Highway Superintendent has reported in writing the results of such study and has recommended the vacation and abandonment of said road, and

WHEREAS, upon receipt of said report the Fillmore County Board adopted a resolution fixing the time for a public hearing at 9:45 a.m., January 8, 2019 in the boardroom of the Fillmore County Courthouse in Geneva, Nebraska, Fillmore County, and

WHEREAS, a copy of the said hearing notice was published once a week for three consecutive weeks in The Nebraska Signal and in the York News-Times, the legal newspapers of general circulation in Fillmore County and York County, Nebraska, a proof thereof is now on file in the County Clerk's office of said County, and

WHEREAS, the hearing was held on January 8, 2019 at 9:45 a.m. in the boardroom of the Fillmore County Courthouse in Geneva, Nebraska, Fillmore County. Upon request of Exeter-Fairmont Township and no person appeared to oppose the closing or abandonment of said roads, nor was there any written testimony received against closing or abandonment of said roads,

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Fillmore County, Nebraska, pursuant to Section 39-1725, R. S. of Nebraska, 1943 as amended, that the following two tracts of roadway, be and the same hereby is closed, vacated, and abandoned from this date, and that the right-of-way of said roads shall be reverted to the owners of the land abutting thereon to the center of the road:

Tract 1:

Fillmore County Road A between Fillmore County Road 22 and Fillmore County Road 23;
Referring to the Northwest corner of the Northwest Quarter of Section Three (3), T8N- R1W, Exeter Township, Fillmore County Nebraska thence East along the North section line of section Three (3) T8N, R1W, Exeter Township, Fillmore County Nebraska, approximately 2,640 ft. to a point on the ½ mile line: thence South a distance of 33 ft.; thence West approximately 2,640 ft.; thence North a distance of 33 ft. to the point of beginning, containing 2 acres more or less.

Tract 2:

Fillmore County Road A between Fillmore County Road 22 and Fillmore County Road 23;
Referring to the Southwest corner of the Southwest Quarter of Section Thirty-Four (34), T9N, R1W, York County Nebraska; thence East along the South section line of section Thirty-Four (34), T9N, R1W, approximately 2,640 to a point on the ½ mile line; thence North a distance of 33 ft.; Thence West approximately 2,640 ft.; thence South a distance of 33 ft. to the point of beginning, containing 2 acres more or less.

NOW THEREFORE, be it resolved by the Fillmore County Board of Supervisors that this resolution is approved on the 8th day of January 2019.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the resolution adopted.

PUBLIC HEARING FOR ONE & SIX YEAR PLAN

Opened the public hearing for the One (1) and Six (6) Year Plan at 10:03 a.m.



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CLOSE ONE & SIX YEAR PLAN PUBLIC HEARING

Cerny moved and Sluka seconded the motion to close the public hearing for the One & Six Year plan at 10:21 a.m. as no one appeared to testify for or against. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

ONE & SIX YEAR PLAN

Cerny moved and Harre seconded the introduction of the following resolution:

RESOLUTION 2019 – 08

ACCEPTING THE ONE (1) & SIX (6) YEAR HIGHWAY IMPROVEMENT PROGRAM FOR THE COUNTY OF FILLMORE, NEBRASKA.

BE IT RESOLVED by the Chairman and Supervisors of Fillmore County that:

It is hereby found and determined that:

1. The program for distribution of the Highway Allocation Funds provide additional funds to counties for road related maintenance and construction.
2. In order to qualify for said funds the County must, among other things, prepare an annual One (1) and Six (6) Year Program for highway improvements, conduct a local public hearing and submit the results to the Board of Public Roads Classification and Standards.
3. The County of Fillmore, Nebraska does hereby adopt the 2019 One (1) and Six (6) Year Program as proposed by the Fillmore County Highway Superintendent.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, and Sluka

Nays: Noel

The Chairman declared the resolution adopted.

DISCUSSION REGARDING POSSIBLE PERMIT FEE CHANGES

Pat Halbur, Highway Superintendent presented to the Board how several other counties charge for driveway, clean silt, and occupy county right-of-way permits.

After discussion, Harre moved and Sluka seconded the motion to charge twenty-five (\$25.00) dollars per driveway and occupy county right-of-way permits and there won't be a charge for clean silt permits. All permits must meet the County specifications and if a permit is not obtained the County has the right to remove the driveway or what was placed in the county right-of-way at the landowner's expense. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Noel, and Sluka

Nays: Lightwine and Neiman

The Chairman declared the motion carried.

EXTENSION OFFICE UPDATE

Brandy VanDeWalle gave an update to the Board of what they have been doing and what events are coming up this year.

DISCUSSION REGARDING A PIVOT PAD LOCATED IN THE COUNTY RIGHT-OF-WAY



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Planning and Zoning Administrator, Jennifer Slezak has contacted the County Attorney's office regarding a pivot pad that was placed in the county right-of-way in Section 35, Madison Township. The landowner was notified last year when the pivot was installed without a permit that it needed to be moved. The County Attorney's office has been in contact with the landowner and will continue the process.

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:

Auto Value Parts Stores	Rep	30.56
B & J Automotive, LLC	Rep	313.43
Black Hills Energy	Uti	1,617.17
Leslie Boswell	Mile	37.06
Jerry Chapman	Mile	39.24
City of Geneva	Uti	283.10
Gaylord Craddock	Mile	37.06
Dataspec, Inc.	Main	898.00
Dollar General – Regions	Sup	54.00
Sharon Elznic	Mtgs, Mile	60.52
Exeter Senior Center	USDA Reim	37.10
Fairmont Aging Services	USDA Reim	217.70
Fillmore County Clerk of the District Court	Fees	36.00
Fillmore County Development Corp.	budget request	10,000.00
Fillmore County Medical Center	Ser	306.07
Fillmore County Treasurer	Transfer	20,000.00
Fire Guard, Inc.	Ser	36.75
First Concord Benefits Group, LLC	Insur	336.00
5 Loaves Market & Bakery	Misc	75.00
Geneva Broadband, LLC	Uti	128.00
Geneva Senior Center	USDA Reim	490.00
Geneva Tire	Rep, Main	386.02
Richard Girmus	Mtgs, Mile	21.54
Matt Hafer	Mtgs. Mile	47.44
Hampton Inn – Kearney	Lodging	2,089.05
Matt Harre	Mtgs, Mile	64.88
Heartland Bank	SS	5,268.44
Jennifer L. Hoarty	Mile	8.72
Hometown Leasing	Ser	1,198.43
Hope Crisis Center	budget request	5,772.00
Pat Kamler	Mile	30.52
Dean Kassik	Mtgs, Mile	31.35
Jerry Knoche	Mile	73.03
Kopchos Sanitation, Inc.	Uti	148.75
Madison National Life Insurance Co.	Insur	137.04
MailFinance	Ser	850.50
Mid-States Organized Crime Information	Dues	100.00
Milligan Towing	Ser	152.00
MIPS, Inc.	Ser	3,295.62
Morley Most	Mtgs, Mile	64.88
Kim Mussman	Mile	32.70
Nebraska Association of County Officials	Dues	2,261.58
Nebraska Association of Emergency Mngt.	Dues	25.00
Nebraska Association of Senior Centers	Dues	20.00
Nebraska Department of Revenue	Sales Tax	45.34



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The Nebraska Signal	Proc, Ads, Sup	496.28
Nebraska Weed Control Association	Wksh	130.00
Nick's Farm Store	Rep	1,123.85
Reg Noel	Mtgs, Mile	31.35
Darren Pfeifer	Uniform	250.00
Reinsch Lawn Services	Ser	335.71
Retirement Plans Division of Ameritas	Ret	5,121.07
Saline County Clerk	Bailiff budget request	14,575.21
Service Press	Sup	175.00
Paul Sheffield	Mile	17.44
Shell Fleet Plus	Fuel	2,263.27
State of Nebraska AS Central Finance	Ser	448.00
Allan Stuckey	Mtgs, Mile	62.70
Thayer County Treasurer	Sup	326.22
Unifirst Corp	Ser	257.42
US Bank CPS	Sup, Meals, Post, Misc.	778.82
Gary Warren	Mile	32.70
Windstream	Uti	1,312.85
Woodward's Disposal Service, Inc.	Ser	20.00
Payroll	Salaries	76,448.70

ROAD/BRIDGE FUND:

Beatrice Concrete Co., Inc.	Gravel	3,438.71
Black Hills Energy, Inc.	Fuel	572.46
City of Geneva	Uti	60.85
Farmers Cooperative	Fuel	2,043.92
Fastenal Company	Sup	395.19
Geneva Broadband, LLC	Uti	40.00
Geneva Implement Co., Inc.	Parts, Main	1,676.11
Geneva Milling Co., Inc.	Sup	34.50
Geneva Tire	Rep	64.10
Geneva Welding & Supply, Inc.	Sup	16.00
Heartland Bank	SS	2,211.17
Hometown Leasing	Ser	139.00
John Deere Financial	Parts	215.63
Kaiser Auto Supply, LLC	Parts, Sup, Main	364.14
Medical Enterprises, Inc.	Sup	40.00
MIPS, Inc.	Ser	134.73
Nebraska Department of Revenue	Sales tax	135.07
Nebraska Iowa Industrial Fasteners Corp.	Sup	115.78
The Nebraska Signal	Ad	57.75
Office Depot Business Credit	Sup	170.35
Perennial Public Power District	Uti	148.08
Power Plan	Parts	766.08
Quill Corp.	Sup	37.62
Reinsch Lawn Service	Ser	440.57
Retirement Plans Division of Ameritas	Ret	2,012.71
Roit Repair	Rep	89.42
Shell Fleet Plus	Fuel	358.68
Speece Lewis Engineers	Ser	6,300.00
US Bank CPS	Post	25.94
Village of Milligan	Uti	22.50
Village of Shickley	Uti	135.15
Payroll	Salaries	30,114.70

REGISTER OF DEEDS PRESERVATION FUND:

MIPS, Inc.	Ser	137.06
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911 EMERGENCY MANAGEMENT FUND:



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Geneva Broadband, LLC	Uti	64.00
GeoComm	Ser, Main	6,700.00
Windstream	Uti	1737.05

ROAD DEPT./COURTHOUSE BUILDING BOND FUND:

Cheever Construction Co.	Building	58,209.30
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CLAIMS APPROVED

Sluka moved and Lightwine seconded the motion to approve the claims as presented with the removal of the claim to the Fillmore County Sheriff Office for \$50.00. Upon roll call, the vote was as follows:

Ayes: Cerny, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None Abstaining due to conflict of interest: Graham

The Chairman declared the motion carried.

APPOINTMENT TO SAFETY COMMITTEE

After discussion, Neiman moved and Lightwine seconded the motion to appoint Lightwine to the Safety Committee to replace Bob Mueller for a two-year term beginning January 2019. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

GENEVA TOWNSHIP BILL FOR GENEVA PUBLIC LIBRARY

After discussion, Sluka moved and Lightwine seconded the motion to authorize the County Treasurer to pay the submitted bill from Geneva Public Library for \$150.00 for rural Geneva Township residents their renewal at the library. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

DEPOSIT OF SURPLUS FUNDS

Harre moved and Graham seconded the introduction of the following resolution:

RESOLUTION 2019 - 09

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



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

Cornerstone Bank

\$ 169,700,000.00

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 2019, County funds in her possession in a sum equal to but not in 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: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the resolution adopted.

QUARTERLY JAIL INSPECTION

Several Board members reviewed the jail for their quarterly jail inspection and all was in order.

ADJOURN

As there was no other business to come before the Board, Sluka moved and Graham seconded the motion to adjourn until 9:00 a.m., January 22, 2019. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

Attest

Chairman