



# Fillmore County Board Minutes



August 27, 2019

The Fillmore County Board of Supervisors convened in open and public session at 9:23 a.m., August 27, 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.

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 12:04 p.m.

## MINUTES APPROVED

After discussion, Harre moved and Sluka seconded the motion to correct the August 13, 2019 minutes as follows: declare surplus a 2006 John Deere 770D instead of a 2016 as printed and the roll call vote on the "Tax Sale Resolution" to Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka. 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 HOSPITAL BUDGET REQUEST AND UPDATE

Chris Nichols, Chief Executive Officer; and Stephanie Jacobsen, Director of Finance were present to give the Board an update and to discuss the 2019/2020 budget for the Fillmore County Hospital along with their capital improvements budget request.

## DRIVEWAY PERMIT

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

Edwin Vavra – widen existing driveway top to 40 ft. on the north side of the NW ¼, Section 35, Liberty Township.

Edwin was present for discussion.

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.

## DRIVEWAY PERMITS

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

Richard Reed – widen an existing driveway to 40 ft. on the west side of the NW ¼, Section 2, Bryant Township;  
Bender Family Partnership – widen an existing driveway to 40 ft. on the north side of the NE ¼, Section 31, Grafton Township;

Stella Olinger & Kennedy Living Trust – widen an existing driveway to 40 ft. on the south side of the SE ¼, Section 31, Grafton Township; and

Galen D. Real and Nancy L. Real Trust – replace an existing driveway on the north side of the NW ¼, Section 1, West Blue Township.

Upon roll call, the vote was as follows:

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



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Nays: None

The Chairman declared the motion carried.

## **CLEAN SILT PERMIT**

Sluka moved and Graham seconded the motion to approve the clean silt permit as presented by the Highway Superintendent:

Richard Reed – clean silt from the road ditch along the west side of the NW ¼, Section 2, Bryant Township and use to build a driveway.

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.

## **OCCUPY COUNTY RIGHT-OF-WAY PERMIT**

Sluka moved and Cerny seconded the motion to approve the following occupy county right-of-way permit as presented by the Highway Superintendent:

Windstream Nebraska, LLC – bury telecommunications line along Road 18 between Highway 74 and Road U, in the NW ¼, Section 12, Belle Prairie Township. The owner will cooperate fully with the officials of Fillmore County and keep them fully and immediately informed of all construction or maintenance work required in the county right-of-way.

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.

## **NEW COUNTY SHOP UPDATE**

Highway Superintendent, Pat Halbur informed the Board that there are still several items that need to be fixed or corrected. The roof leak still needs to be fixed and still working on the outside doors. Delco has not been responding to JEO, Cheever's or to Graham so Board requested that the County Attorney send a certified letter to them.

## **SURPLUS ITEMS**

After discussion, Sluka moved and Graham seconded the motion to declare the 2000 Ford F150 as surplus and to advertise and sell via sealed bid. 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.

## **MORATORIUM TO ALLOW FOR THE STUDY OF EXISTING ZONING REGULATIONS RELATED TO WIND ENERGY TURBINES**

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

### **RESOLUTION #2019 – 28**

**WHEREAS**, the County of Fillmore has a comprehensive development place; and



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**WHEREAS**, the County of Fillmore, Nebraska has zoning regulations in place which are intended to direct the location of specific uses and provide for proper separation of conflicting uses; and

**WHEREAS**, the County of Fillmore has seen an interest in proposed wind energy conversion turbines; and

**WHEREAS**, the County Board of Fillmore County wishes to study the existing zoning regulations related to this use; and

**WHEREAS**, the likelihood of wind farms in Fillmore County is probable, the County Board desires to implement regulations which are appropriate for the county and its residents, and

**WHEREAS**, the Fillmore County Planning Commission should be directed to review the County Comprehensive Planning and Zoning Regulations after meeting with the joint committee to then make specific recommendations for changes to the comprehensive plan and to the County Zoning Regulations dealing with wind energy before granting or recommending a conditional use permit for the construction of wind turbine; and

**WHEREAS**, the County Board finds that the most appropriate way to work on said regulations is without the possibility of new applications coming forward during a time frame which allows consideration of appropriate wind energy conversion regulations.

**NOW THEREFORE** in consideration of the foregoing statement, the County Board of Fillmore County, Nebraska, hereby adopts the following resolution:

**“BE IT RESOLVED**, by the County Board of Fillmore County, Nebraska, that a three (3) month moratorium on accepting any wind farm applications is hereby invoked and approved.”

**“BE IT FURTHER RESOLVED**, that the Board of Supervisors of Fillmore County, Nebraska, hereby directs that the Fillmore County Planning Commission to review the county comprehensive plan and zoning regulations, to conduct any hearings, if necessary and to make specific recommendations for changes to the comprehensive plan and to the county zoning regulations dealing with wind energy before granting or recommending a conditional use permit for the construction of wind turbines and that such recommendation shall be made with two (2) months of the signing of this Resolution.”

**BE IT FURHTER RESOLVED**, that the said three (3) month moratorium shall become effective as of the date of the approval of this Resolution.”

Upon roll call, the vote was as follows:

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

Nays: Noel

The Chairman declared the resolution adopted.

## 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:

|                                    |          |            |
|------------------------------------|----------|------------|
| Blue Cross Blue Shield of Nebraska | Insur    | 58,297.00  |
| Consolidated Management Co.        | Meals    | 449.87     |
| Eakes Office Solutions             | Sup      | 85.19      |
| Erdkamp Motors                     | Main     | 88.25      |
| Fillmore County Medical Center     | Ser      | 47.21      |
| Fillmore County Treasurer          | Transfer | 235,000.00 |
| Geneva Super Foods                 | Sup      | 924.66     |



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|  |                 |           |
|--|-----------------|-----------|
| Geneva Tire and Auto Inc.                | Rep, Main       | 95.90     |
| Geneva TV & Appliance, Inc.              | Rep             | 159.45    |
| Heartland Bank                           | SS              | 4,981.98  |
| Heartland Humane Bat Removal, LLC        | Ser             | 100.00    |
| Frances Heinrichs                        | Mile            | 41.76     |
| Homestead Local Emergency Planning Com   | Dues            | 57.20     |
| Shane Jarzynka                           | Wksh            | 100.00    |
| Justice Data Solutions, Inc.             | Ser, Main       | 19,300.00 |
| Kalkwarf & Smith Law Offices, LLC        | Ser, Post, Uti  | 3,033.98  |
| Krueger Land Surveying                   | Ser             | 3,412.50  |
| Loup Valley Lighting, Inc.               | Sup             | 305.00    |
| Madison National Life Insurance Co.      | Insur           | 27.24     |
| Mid-American Research Chemical           | Sup             | 1,131.06  |
| Naber's Locksmith Service                | Rep             | 80.00     |
| Nebraska Law Enforcement Training Center | Training        | 1,076.00  |
| The Nebraska Signal                      | Sup             | 38.00     |
| NeoFunds by NeoPost                      | Post            | 700.00    |
| Precision Signs and Graphics             | Sup             | 13.25     |
| Region V Systems                         | Ser             | 2,996.00  |
| Retirement Plans Division of Ameritas    | Ret             | 4,750.34  |
| State of Nebraska AS Central Finance     | Ser             | 448.00    |
| Rhonda Stokebrand                        | Mile            | 23.66     |
| Sullivan Shoemaker, PC, LLO              | Ser             | 76.00     |
| 34 Electric, LLC                         | Rep             | 88.96     |
| Brandy VanDeWalle                        | Mile, Uti, Meal | 152.97    |
| WE Bank                                  | Fuel            | 3,215.38  |
| What's Happening                         | Ads             | 15.00     |
| Windstream                               | Uti             | 1,042.84  |
| Payroll                                  | Salaries        | 72,910.29 |

## ROAD/BRIDGE FUND:

|                                       |          |            |
|---------------------------------------|----------|------------|
| C & M Supply, Inc.                    | Fuel     | 71.92      |
| Casey's Business Mastercard           | Fuel     | 1,958.41   |
| Contech Engineered Solutions, LLC     | Sup      | 6,818.26   |
| Erdkamp Motors                        | Equip    | 28,665.00  |
| Farmers Cooperative                   | Fuel     | 1,253.50   |
| Fillmore County Treasurer             | Misc     | 15.00      |
| Grafton Mini-Mart                     | Fuel     | 64.95      |
| Grafton Oil, Inc.                     | Fuel     | 1,062.15   |
| Grant Built Logistics, LLC            | Gravel   | 3,987.18   |
| Heartland Bank                        | SS       | 2,235.43   |
| John Deere Financial                  | Rep      | 45.77      |
| Lichti Oil                            | Fuel     | 5,447.36   |
| Medical Enterprises, Inc.             | Sup      | 75.00      |
| Mid-Nebraska Aggregate, Inc.          | Gravel   | 16,173.12  |
| Nebraska Public Power District        | Uti      | 407.58     |
| Perennial Public Power District       | Uti      | 77.74      |
| Quill Corporation                     | Sup      | 41.06      |
| Retirement Plans Division of Ameritas | Ret      | 1,997.60   |
| Speece Lewis Engineers                | Ser      | 8,402.76   |
| 34 Electric, LLC                      | Rep      | 756.87     |
| Vogtscapes, Inc.                      | Culverts | 139,044.90 |
| WEX Bank                              | Fuel     | 1,422.76   |
| Payroll                               | Salaries | 30,135.52  |

## ECONOMIC DEVELOPMENT - TOURISM FUND:

|               |                |        |
|---------------|----------------|--------|
| Renaee Kamler | Ser, Mile, Sup | 728.74 |
|---------------|----------------|--------|

**CLAIMS APPROVED**



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Sluka moved and Lightwine seconded the motion to approve the claims as presented. 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.

## **FAIRVIEW CEMETERY**

Supervisor Noel informed the Board that the fence will need to go all the way around the cemetery as there are graves to the north.

## **CARRIER QUOTE FOR REPAIRS IN COURTHOUSE**

After discussion, Harre moved and Graham seconded the motion to approve the quote from Carrier to fix individual units in the offices for \$3,025.00. 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.

## **AGING COMMISSION**

Lightwine moved and Graham seconded the motion to appoint Christy Geiger to the Aging Commission beginning September 1, 2019 and ending August 31, 2022. 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.

## **PROBATION BUDGET REQUEST FOR 2019/2020**

First Probation District submitted their budget request of \$4,580.16 for fiscal year 2019/2020.

## **2018/2019 INVENTORY**

Graham moved and Lightwine seconded the motion to approve all the 2018/2019 Inventory from all offices as presented by the office holder. 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.

## **COMMUNITY CENTER UPDATE**

Supervisor Graham attended the first meeting regarding the Community Center for Geneva and he gave a brief update to the Board.

## **2019/2020 BUDGET DISCUSSION**

Board reviewed a few line items and decided that the public hearing to adopt the budget would be September 10, 2019 at 11:00 a.m.

**ADJOURN**



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As there was no other business to come before the Board, Graham moved and Sluka seconded the motion to adjourn until 9:10 a.m., September 10, 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.

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Attest

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Chairman