



# Fillmore County Board Minutes



April 13, 2021

The Fillmore County Board of Supervisors convened in open and public session at 9:06 a.m., April 13, 2021, in the Boardroom of the Courthouse in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Graham, Lightwine, Cerny, and Harre. 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 11:54 a.m.

## MINUTES APPROVED

Chairman of the Board, Neiman declared the minutes from the March 23, 2021 and April 7, 2021 meetings approved 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:

|  |                |            |
|--|----------------|------------|
| Howard F. Ach                            | Rent           | 550.00     |
| Applied Connective Technologies          | Ser            | 357.00     |
| Black Hills Energy                       | Uti            | 770.77     |
| Blue Cross Blue Shield of Nebraska       | Insur          | 57,306.28  |
| Blue Valley Community Action Partnership | budget request | 5,000.00   |
| Carrier Corporation                      | Rep            | 1,089.80   |
| Jerry Chapman                            | Mile           | 40.32      |
| City of Geneva                           | Uti            | 455.80     |
| Clearlyfly                               | Uti            | 399.00     |
| Consolidated Management Co.              | Meals          | 219.47     |
| Cornerstone Bank                         | SS             | 10,164.09  |
| Dollar General – Regions 410526          | Sup            | 26.00      |
| Gaylord Craddock                         | Mile           | 57.12      |
| Eakes Office Solutions                   | Sup            | 1,644.19   |
| Sharon Elznic                            | Mile, Meetings | 92.04      |
| Fillmore County Sheriff                  | Ser            | 55.13      |
| Fillmore County Treasurer                | Transfer       | 100,000.00 |
| First Concord Benefits Group, LLC        | Insur, Ser     | 322.38     |
| Geneva Super Foods                       | Sup            | 903.24     |
| Geneva Tire and Auto, Inc.               | Main, Tires    | 895.26     |
| Richard Girmus                           | Mile, Meetings | 21.72      |
| Glenwood                                 | Uti            | 88.00      |
| Matt Hafer                               | Mile, Meetings | 62.92      |
| Matt Harre                               | Mile, Meetings | 98.76      |
| HD Arms, LLC                             | Sup            | 35.50      |
| Hometown Leasing                         | Ser            | 1,680.99   |
| Kalkwarf & Smith Law Offices, LLC        | Ser, Post, Uti | 3,126.10   |
| Pat Kamler                               | Mile           | 47.04      |
| Dean Kassik                              | Mile, Meetings | 63.60      |
| Kelch Plumbing Heating & Refrigeration   | Rep            | 306.25     |
| Jerry Knoche                             | Mile           | 45.92      |
| Kopchos Sanitation, Inc.                 | Uti            | 190.75     |
| Kois Kotas                               | Mile           | 75.60      |
| Stephen J. Kraviec                       | Ser, Post      | 1,778.21   |
| Lancaster County Sheriff's Office        | Ser            | 7.18       |



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|  |                 |            |
|--|-----------------|------------|
| Lichti Oil                             | Fuel            | 5.00       |
| Madison National Life Insurance        | Insur           | 144.30     |
| MIPS, Inc.                             | Equip, Ser      | 13,524.19  |
| Morley Most                            | Mile, Meetings  | 15.00      |
| Brenda Motis                           | Post            | 4.00       |
| Kim Mussman                            | Mile            | 26.88      |
| NACO Planning & Zoning                 | Dues            | 40.00      |
| Nebraska Public Power District         | Uti             | 1,583.73   |
| The Nebraska Signal                    | Ad, Pro         | 655.22     |
| Nick's Farm Store                      | Rep, Main       | 373.93     |
| Noel Lawn Care                         | Ser             | 96.53      |
| PurFoods, LLC                          | Meals           | 276.46     |
| Region V Services                      | budget request  | 2,621.00   |
| Region V Systems                       | Ser             | 642.00     |
| Retirement Plans Division of Ameritas  | Ret             | 9,788.62   |
| Blaine Richards                        | Mile            | 26.88      |
| Secretary of State Election Division   | Sup             | 10.00      |
| Paul Sheffield                         | Mile, Meetings  | 17.92      |
| State of Nebraska DAS Central Finance  | Ser             | 448.00     |
| State of Nebraska DAS State Accounting | Ser             | 43.88      |
| Allan Stuckey                          | Mile, Meetings  | 63.60      |
| Sullivan Shoemaker, PC, LLO            | Ser, Mile       | 899.27     |
| Svehla Law Offices, PC                 | Ser             | 198.00     |
| Swede Capital Drywall, LLC             | Rep             | 4,102.80   |
| Thayer County Treasurer                | Ser             | 214.10     |
| Unifirst Corporation                   | Ser             | 369.80     |
| US Bank CPS                            | Post, Ser, Sup  | 635.56     |
| USDA, APHIS, General                   | budget request  | 1,654.07   |
| Brandy VanDeWalle                      | Mile, Uti, Wksh | 201.88     |
| Verizon Wireless                       | Uti             | 1,030.96   |
| Gary Warren                            | Mile            | 22.40      |
| Weaver Pharmacy                        | Sup             | 51.74      |
| Windstream                             | Uti             | 157.18     |
| Woodward's Disposal Service, Inc.      | Ser             | 70.00      |
| Payroll                                | Salaries        | 147,225.87 |

## **ROAD/BRIDGE FUND:**

|   |                 |           |
|---|-----------------|-----------|
| Paul Bauer                              | Ser             | 475.00    |
| Black Hills Energy                      | Uti             | 444.59    |
| Carquest Geneva                         | Parts, Sup      | 437.34    |
| City of Geneva                          | Uti, Sup        | 702.20    |
| Cornerstone Bank                        | SS              | 5,627.20  |
| Farmers Cooperative                     | Fuel, Rep       | 9,612.23  |
| Geneva Building Supply                  | Sup, Misc       | 127.03    |
| Geneva Dirtworks, Inc.                  | Rental          | 500.00    |
| Geneva Implement Co., Inc.              | Parts           | 15.30     |
| Geneva Super Foods                      | Sup             | 39.03     |
| Geneva Tire and Auto, Inc.              | Rep, Tires      | 6,876.05  |
| Geneva Welding & Supply, Inc.           | Parts, Sup, Rep | 1,912.58  |
| Glenwood Telecommunications, Inc.       | Uti             | 40.00     |
| Grafton Oil, Inc.                       | Fuel            | 1,024.92  |
| Grainger                                | Equip           | 259.00    |
| Hometown Leasing                        | Ser             | 139.00    |
| Jackson's Heavy Equipment Training, LLC | Training        | 3,250.00  |
| Kinz Spray Foam Insulation, LLC         | Rep             | 23,048.40 |
| Kopchos Sanitation, Inc.                | Uti             | 55.00     |
| Lichti Oil                              | Fuel            | 924.74    |
| Medical Enterprises, Inc.               | Sup             | 75.00     |
| MIPS, Inc.                              | Ser             | 137.42    |



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|                                       |                 |            |
|---------------------------------------|-----------------|------------|
| Nick's Farms Store, Co.               | Rep             | 91.94      |
| NMC Exchange, LLC                     | Parts, Ser, Rep | 6,251.01   |
| Perennial Public Power District       | Uti             | 98.96      |
| Platte Valley Communications          | Parts, Rep      | 46.45      |
| Power Plan                            | Parts, Rep      | 2,537.22   |
| Protex Central, Inc.                  | Main            | 300.00     |
| Quill Corporation                     | Sup             | 71.33      |
| Retirement Plans Division of Ameritas | Ret             | 4,986.74   |
| Roit Repair                           | Rep             | 22.59      |
| Truck Center Companies                | Parts, Rep      | 200.10     |
| VanKirk Bros Contracting              | Box Culvert     | 103,268.80 |
| Verizon Connect NWF, Inc.             | Ser             | 599.03     |
| Verizon Wireless                      | Uti             | 34.62      |
| Village of Exeter                     | Uti             | 18.75      |
| Village of Fairmont                   | Uti             | 23.61      |
| Village of Grafton                    | Uti             | 40.00      |
| Village of Milligan                   | Uti             | 28.52      |
| Village of Shickley                   | Uti             | 64.76      |
| Windstream                            | Uti             | 173.61     |
| Payroll                               | Salaries        | 75,049.87  |

**REGISTER OF DEEDS PRESERVATION FUND:**

|            |     |        |
|------------|-----|--------|
| MIPS, Inc. | Ser | 144.34 |
|------------|-----|--------|

**FEDERAL DRUG LAW FORFEITURE FUND:**

|                 |     |        |
|-----------------|-----|--------|
| Weaver Pharmacy | Sup | 990.97 |
|-----------------|-----|--------|

**INHERITANCE TAX FUND:**

|        |     |          |
|--------|-----|----------|
| gWorks | Ser | 2,275.00 |
|--------|-----|----------|

**911 EMERGENCY MANAGEMENT FUND:**

|                                |     |          |
|--------------------------------|-----|----------|
| Glenwood                       | Uti | 64.00    |
| Nebraska Public Power District | Uti | 213.94   |
| Northland Business Systems     | Ser | 3,197.25 |
| Windstream                     | Uti | 1,975.72 |

**HOSPITAL OPERATING FUND:**

|                          |             |           |
|--------------------------|-------------|-----------|
| Fillmore County Hospital | March taxes | 10,350.88 |
|--------------------------|-------------|-----------|

**CLAIMS APPROVED**

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

**CLOSING BUDGET ACCOUNTS**

After discussion, Noel moved and Graham seconded the introduction of the following resolution:

**RESOLUTION 2021 – 13**

**WHEREAS**, Fillmore County, Nebraska, has a Handi Bus Fund #2200, a Sheriff – Special Law Enforcement Fund #2400, an Arboretum Grant Fund #2500, a Juvenile Justice Fund #2501, a Grant #2 Sheriff - Law Fund #2502, a Deputy Grant Fund #2503, a DEQ Grant Fund #2504, an Emergency Management Fund #2506, a Tire Cleanup Grant Fund #2607, a Lottery (Keno) Fund \$2800, a Courthouse Bond Fund #3000, a Highway Bond/Milligan South Fund #3400, an



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Ethanol Plant Road Fund #3700, a Building (Courthouse) Fund #4000, a Handicapped Accessibility Fund #4010, and an Emergency Communications Fund #5907, and

**WHEREAS**, Fillmore County has determined there is no longer a need to have separate funds for the above-named funds,

**THEREFORE BE IT HEREBY RESOLVED**, the Handi Bus Fund #2200, a Sheriff – Special Law Enforcement Fund #2400, an Arboretum Grant Fund #2500, a Juvenile Justice Fund #2501, a Grant #2 Sheriff - Law Fund #2502, a Deputy Grant Fund #2503, a DEQ Grant Fund #2504, an Emergency Management Fund #2506, a Tire Cleanup Grant Fund #2607, a Lottery (Keno) Fund \$2800, a Courthouse Bond Fund #3000, a Highway Bond/Milligan South Fund #3400, an Ethanol Plant Road Fund #3700, a Building (Courthouse) Fund #4000, a Handicapped Accessibility Fund #4010, and an Emergency Communications Fund #5907 will be closed as of April 30, 2021. The County Treasurer is directed to transfer all money remaining in aforementioned funds on April 30, 2021 to the Fillmore County General Fund. The County Treasurer is further directed to automatically transfer any future collections for the aforementioned funds directly to the General fund.

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.

## **SAFETY COMMITTEE MEMBERS**

After discussion, Sluka moved and Harre seconded the motion to appoint Jean Engle and Cantrell Harrison to the safety committee with a term ending December 31, 2021. 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 PERMITS**

Harre moved and Lightwine seconded the motion to approve the following occupy county right-of-way permits as presented by the Highway Superintendent:

D J Farms – bury an electrical line to pivot across Road 15 between Road K and Road L, NW ¼, Section 28, to NE ¼, Section 29, Madison 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.

## **TAKING OVER A PORTION OF ROAD E FROM GRAFTON TOWNSHIP**

Noel moved and Sluka seconded the motion to approve the request from Grafton Township to take over the west 100 feet of Road E between Road 1 and Road 2, Grafton Township. 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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## INTERLOCAL AGREEMENT WITH CLAY COUNTY

After discussion, Graham moved and Cerny seconded the motion to approve the interlocal agreement with Clay County for road maintenance along the Fillmore / Clay County line. 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.

## OTHER ROAD DEPARTMENT DISCUSSION

Highway Superintendent, Pat Halbur informed the Board that one of spare motor graders has engine failure and it would cost between \$50,000.00 and \$60,000.00 to fix. After discussion, the Board requested to take bids at the May 11<sup>th</sup> meeting for a used motor grader with a one-year warranty.

Discussion regarding three bridges that in need of repair or replacement: Road 9 between Road U and Road V – will have Speece Lewis put the specs together and bid out a 10 x 6 box culvert; Road K between Road 18 and Road 19 – will have Speece Lewis put together recommendations; and Road B between Road 10 and Road 11 – will wait to see if the Township will be requesting to take over this road.

Graham informed the Board that a landowner requested the County to assist with the water flow in Section 22, Bennett Township. After review of maps provided by Highway Superintendent and Supervisor Graham, the Board agreed that there was nothing they could do as you cannot change the natural water way.

After meeting on April 7<sup>th</sup> with the Townships regarding placing minimum maintenance signs on all township roads – the Board will research companies to install the signs and discuss again at the April 27<sup>th</sup> meeting.

## PUBLIC HEARING REGARDING AGRICULTURE DISTRICT #1 AND AGRICULTURE DISTRICT #2 REGULATIONS REGARDING MINIMUM YARD REQUIREMENTS AND SETBACKS

Opened public hearing regarding regulations for minimum yard requirements and setbacks for Agriculture District #1 and Agriculture District #2 at 10:45 a.m. as advertised. There was no one in attendance for the hearing.

Noel moved and Harre seconded the motion to close the public hearing at 10:55 a.m. as no one appeared to testify for or against the hearing. 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.

## APPROVE REGULATIONS FOR AGRICULTURE DISTRICT #1 AND AGRICULTURE DISTRICT #2 REGARDING MINIMUM YARD REQUIREMENTS AND SETBACKS

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

### RESOLUTION 2021 - 14

A RESOLUTION AMENDING THE FILLMORE COUNTY ZONING REGULATIONS TO PROVIDE UPDATED REGULATIONS FOR THE AG-1 AGRICULTURE DISTRICT AND AG-2 AGRICULTURE DISTRICT; AND TO PROVIDE WHEN THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT

**WHEREAS**, pursuant to Neb. Rev. Stat. Section 23-174.10, as amended, any county which has adopted a county zoning regulation may make such regulations as may be necessary or expedient to promote the public health, safety, and welfare; and





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**WHEREAS**, Fillmore County has adopted zoning regulations and the Fillmore County Board of Supervisors desires to update the AG-1 Agriculture District (Article 5.1.09 Minimum Yard Requirements) & AG-2 Agriculture District regulations (Article 5.2.08 Minimum Yard requirements); and

**WHEREAS**, the Fillmore County Joint Planning Commission conducted a public hearing on March 15, 2021 and provided a recommendation of approval, and the Fillmore County Board of Supervisors conducted a public hearing on April 13, 2021 for the following regulations and amendments to the Fillmore County Zoning Regulations:

### **5.1.09 Minimum Yard Requirements**

There shall be a setback of one hundred fifty (150) feet measured from the center of the intersection each way sighted across, forming a triangle. No buildings or trees shall be allowed in this area.

### **5.2.08 Minimum Yard Requirements**

There shall be a setback of one hundred fifty (150) feet measured from the center of the intersection each way sighted across, forming a triangle. No buildings or trees shall be allowed in this area.

**NOW, THEREFORE BE IT RESOLVED**, by the County Board of Supervisors of Fillmore County, Nebraska that the above regulations pertaining to AG-1 Agriculture District (Article 5.1.09 Minimum Yard Requirements) & AG-2 Agriculture District regulations (Article 5.2.08 Minimum Yard requirements) are hereby approved.

**FURTHER IT BE IT RESOLVED**, that this Resolution shall be in full force and effect from and after passage, approval and publication or posting required by law and all other resolutions and sections in conflict are hereby repealed.

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.

## **QUARTERLY MEETING WITH APPOINTED DEPARTMENT HEADS**

Jennifer Slezak, Planning and Zoning Administrator and Assistant to Veterans Service; Brenda Motis, Senior Services Director; Todd Boller, Noxious Weed Superintendent; and Jean Engle, Emergency Manager met with the Board for their quarterly meeting.

## **FEE REPORTS FOR MARCH 2021**

After review, Harre moved and Lightwine seconded the motion to approve the March 2021 fee reports as presented:

**County Clerk \$19,727.46** (State \$11,462.83 & County \$8,264.63)  
**Clerk of the District Court \$1,454.76**  
**County Sheriff \$2,095.90**

Upon roll call, the vote was as follows:

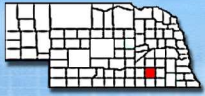
Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka  
Nays: None

The Chairman declared the motion carried.

## **SALARY COMMITTEE FOR 2021/2022**

After discussion, Sluka moved and Graham seconded the motion to appoint Graham, Lightwine, and Sluka to the salary committee for 2021/2022. 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.

## **DISCUSSION REGARDING NATIONAL HERITAGE AREA AND 30 BY 30 EXECUTIVE ORDER #14008**

Sluka and Noel attended a public meeting in Hebron regarding the land grab Kansas Nebraska Heritage Area Partnership and Executive Order #14008 regarding the 30 by 30. After discussion and review of several new articles and information, the Board requested that more information be collected and will place on the April 27<sup>th</sup> board agenda.

## **ADJOURN**

As there was no other business to come before the Board, Sluka moved and Noel seconded the motion to adjourn until 9:00 a.m., April 27, 2021. 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