

Fillmore County Board Minutes



April 27, 2021

The Fillmore County Board of Supervisors convened in open and public session at 9:00 a.m., April 27, 2021, in the Boardroom of the Courthouse in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Graham, and Lightwine. Cerny and Harre were 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 10:40 a.m.

MINUTES APPROVED

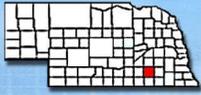
Chairman of the Board, Neiman declared the minutes from the April 13, 2021 meeting approved as presented.

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:

| | | |
|--|---|------------|
| Bear Graphics, Inc. | Sup | 321.68 |
| Blue Cross Blue Shield of Nebraska | Insur | 57,306.28 |
| Boarders Inn & Suites | Lodging | 288.00 |
| Communications Engineering, Inc. | Equip | 1,640.00 |
| Consolidated Management Co. | Meals | 165.31 |
| Cornerstone Bank | SS | 4,960.39 |
| Jill R. Cunningham | Dues | 98.00 |
| Diode Technologies | Rep | 85.10 |
| Exeter Senior Center | CASA funds | 425.00 |
| Fairmont Aging Services | CASA funds | 2,000.00 |
| Fillmore County Med Center | Ser | 72.38 |
| Fillmore County Sheriff | Ser | 249.90 |
| Fillmore County Treasurer | Transfer | 250,000.00 |
| First Concord Benefits Group, LLC | Insur, Ser | 3,158.91 |
| Geneva Home Center | Sup, Equip | 1,289.78 |
| Geneva Senior Center | CASA funds | 2,500.00 |
| Hall County Sheriff's Dept. | Ser | 10.72 |
| The Home Depot Pro | Sup | 816.60 |
| Intoximeters, Inc. | Sup | 198.00 |
| Madison National Life Insurance Co. | Insur | 24.97 |
| Mid-American Research Chemical | Sup | 947.60 |
| MIPS, Inc. | Sup, Equip | 1,430.80 |
| Murray Law, PC, LLO | Ser, Mile | 2,718.00 |
| Nebraska Association of County Officials | Wksh | 50.00 |
| Nemaha County Sheriff Office | Ser | 6.00 |
| Noel Lawn Care | Ser | 202.80 |
| Barb Nuns | Rep | 1,050.00 |
| Protex Central, Inc. | Main | 100.85 |
| Quadient Finance USA, Inc. | Post | 700.00 |
| Retirement Plans Division of Ameritas | Ret | 4,792.43 |
| Saint Louis University | Ser | 312.00 |
| State of Nebraska DAS Central Finance | Ser | 448.00 |
| State of Nebraska Health & Human Service | March patient care | 186.00 |
| University of Nebraska – Lincoln | 3 rd & 4 th quarter 4-H | 5,273.94 |
| WEX Bank | Fuel | 2,926.75 |



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| | | |
|----------------------------|----------|-----------|
| York Animal Clinic | Ser | 125.55 |
| York County Sheriff | Ser | 18.50 |
| Payroll – Special Election | Salaries | 135.00 |
| Payroll | Salaries | 72,023.44 |

ROAD/BRIDGE FUND:

| | | |
|---------------------------------------|------------------|------------|
| Aurora Cooperative Elevator Co. | Fuel | 3,806.25 |
| Certified Truck & Trailer, Inc. | Rep | 33.26 |
| Cornerstone Bank | SS | 2,471.05 |
| Farmers Cooperative | Fuel | 3,128.91 |
| Geneva Home Center | Rep, Sup | 79.29 |
| Grafton Mini-Mart | Fuel | 107.70 |
| Grafton Oil, Inc. | Fuel | 1,892.24 |
| Kinz Spray Foam Insulation, LLC | Rep | 26,351.00 |
| Nebraska Industrial Fasteners Corp | Sup | 92.57 |
| Nebraska Public Power District | Uti | 369.21 |
| Newman Traffic Signs | Equip | 4,168.97 |
| Perennial Public Power District | Uti | 84.52 |
| Retirement Plans Division of Ameritas | Ret | 2,192.20 |
| Speece Lewis Engineers | Ser | 8,262.12 |
| US Bank CPS | Post, Uti, Parts | 60.96 |
| VanKirk Bros Contracting | Project | 109,715.50 |
| Village of Ohiowa | Uti | 40.00 |
| Westover Rock & Sand, Inc. | Rock | 43,754.57 |
| Wex Bank | Fuel | 2,724.88 |
| Payroll | Salaries | 33,044.19 |

INHERITANCE TAX FUND:

| | | |
|--------------------------------|-----|----------|
| Miller Seed & Supply Co., Inc. | Ser | 3,500.00 |
|--------------------------------|-----|----------|

911 EMERGENCY MANAGEMENT FUND:

| | | |
|---|------|--------|
| Nebraska Emergency Services Communications Association | Wksh | 200.00 |
|---|------|--------|

CLAIMS APPROVED

Lightwine moved and Noel seconded the motion to approve the claims presented. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

EMPLOYEE APPRECIATION DINNER

Lightwine moved and Graham seconded the motion to approve the employee appreciation dinner on May 21, 2021. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

SAFETY COMMITTEE MEMBERS

After discussion, Noel moved and Sluka seconded the motion to appoint Gregg Smidt, Brandie Conway, and Whitney Peppard to the safety committee with a term ending December 31, 2022. Upon roll call, the vote was as follows:



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

The Chairman declared the motion carried.

2021 1st QUARTER ACCOUNTABILITY STATEMENTS

After review, Lightwine moved and Graham seconded the motion to approve the 2021 first (1st quarter accountability statements as presented from Clerk of the District Court, County Attorney, and County Clerk (Section 125 and Register of Deeds) accounts. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

HEALTH INSURANCE FOR FISCAL YEAR 2021/2022

After discussion, Graham moved and Lightwine seconded the motion to continue with Blue Cross Blue Shield of Nebraska for fiscal year 2020/2021 with no changes to deductible and buy down. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

OTHER BOARD DISCUSSION

Board discussed LB408, which at this point has been put on hold for this session unless combined with another bill.

Fillmore County will be updating their Continuity of Operations Program (COOP) this year. There will be meetings this summer and fall to get this completed with Seward and York counties.

NIRMA will be conducting several trainings this year that all employees will be required to take including active shooter on June 24th, fire extinguisher, emergency preparedness, de-escalation, and CPR.

FLAG COLLECTION SITE

National Association of Counties (NACo) and Nebraska Association of County Officials (NACO) have provided Fillmore County with a flag collection box which is placed on the first floor of the Courthouse. The Boy Scouts will be conducting the retirement ceremonies in accordance with the US Flag Code.

SURPLUS ITEMS

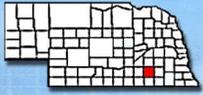
After discussion, Sluka moved and Lightwine seconded the motion to declare the 2010 CAT 12M motor grader and an old tire for a motor grader as surplus. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

DISCUSSION REGARDING FARMERS BUYING ROCK FOR A DIRT ROAD

Assistant Highway Superintendent, Doug Motis informed the Board that a landowner would like to purchase rock for a portion of a county dirt road. After discussion, the Board requested that the County Attorney write a letter regarding the liability.



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DISCUSSION REGARDING BRIDGE LOCATED BETWEEN SECTIONS 24 & 25, MADISON TOWNSHIP

Doug Motis, Assistant Highway Superintendent informed the Board that the recommendation from Speece Lewis for the bridge located between Sections 24 & 25 to be triple 72's for approximately \$75,000.00 or an 8 x 6 box culvert for approximately \$95,000.00. After discussion, the Board requested to start the bid process for the box culvert due to the longevity of a box culvert versus culverts.

DISCUSSION REGARDING ROAD CLOSURE INSIDE SECTION 24, FRANKLIN TOWNSHIP

Franklin Township is requesting that a road that is within Section 24 be closed and revert to the adjoining landowners. After review of several maps there was a road that went through Section 24, but at this point it does not go all the way through due to tree growth.

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

RESOLUTION #2021 - 15

WHEREAS, The Fillmore County Board of Supervisors directed the County Highway Superintendent to make a study of use of County Road located within Section 24, between Road 24 and Road 25 and to submit within thirty (30) days a written report of recommendation of the vacation of road within Section 24, Franklin Township.

NOW THEREFORE, be it resolved by the Fillmore County Board of Supervisors that this resolution is approved on the 27th day of April 2021.

Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the resolution adopted.

DISCUSSION REGARDING PURCHASING NEW BODY CAMERAS

Bill Burgess, County Sheriff presented a quote from Axon for eight (8) new body cameras, warranty, and annual fees (basic plan and technology assurance plan)

After discussion, Sluka moved and Noel seconded the motion to authorize the purchase of eight (8) new body cameras, warranty including camera replacement at 2 ½ years and 5 years, docking station, and program storage for \$10,059.00 for year one and \$5,472.00 for years two to five. Upon roll call, the vote was as follows:

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

Nays: None

The Chairman declared the motion carried.

QUARTERLY ELECTED OFFICIALS UPDATES

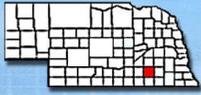
County Treasurer, Darcy Nun; County Sheriff, Bill Burgess; and County Clerk, Amy Nelson gave an update to the Board regarding each office over the last quarter.

NATIONAL HERITAGE AREA

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

RESOLUTION #2021 - 16

RESOLUTION OPPOSING PROPOSED NATIONAL HERITAGE AREA IN FILLMORE COUNTY, NEBRASKA



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WHEREAS, the establishment of a National Heritage Area would adversely affect private property rights by influencing local officials to pass zoning laws not otherwise needed and by altering well established processes for land use regulation.

WHEREAS, Congress has designated National Heritage Areas which encompass vast amounts of privately held land in order to highlight specific areas of interest. Citizens of Fillmore County appreciate efforts to encourage economic development but oppose blanket designations that put dissenting private landowners in the unreasonable position of having to “opt out” of federally mandated boundaries.

WHEREAS, a National Heritage Area designation invites interference in local affairs by special interest groups who claim to be stakeholders, such as the National Park Service, Nature’s Conservancy, animal rights activists and environmental groups who do not have the historical perspective or deeply felt stewardship responsibility of owners who have worked the land over several generations.

WHEREAS, The United States of America can no longer afford to borrow money to engage in endless expansion of dependency and regulation by the federal government, and each of the 49 National Heritage Areas in existence today started out with sunset dates that were never enforced, resulting in chronic dependence rather than free market activity.

WHEREAS, a fundamental interdependence exists between individual liberty and the ability to own property, and the citizens of Fillmore County are very concerned that a National Heritage Area Designation would deprive landowners of their ability to use and enjoy their property as they see fit.

NOW THEREFORE BE IT RESOLVED, the Fillmore County Board of Supervisors opposes the National Heritage Area Designation proposed for Nebraska and does not wish to confer upon an unelected regional management entity, the ability to establish land use policy within the boundaries of Fillmore County, Nebraska.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

DISCUSSION REGARDING 30 BY 30 EXECUTIVE ORDER #14008

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

RESOLUTION 2021 - 17

BE IT RESOLVED BY THE CHAIRPERSON AND COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF FILLMORE, NEBRASKA, as follows:

WHEREAS, Fillmore County is a legal and political subdivision of the State of Nebraska for which the Board of County Supervisors (“Board”) is authorized to act; and

WHEREAS, Fillmore County contains approximately 354,765 acres of land situated in Southeast Nebraska;

WHEREAS, the federal government owns approximately 1% of this land within the County, and the US Fish and Wildlife Service are responsible for managing over 1800 acres of these federal lands;

WHEREAS, approximately 1,050 acres of privately owned land in Fillmore County is currently protected with perpetual conservation easements;



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WHEREAS, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment;

WHEREAS, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend upon the private ownership of land and the use of its resources;

WHEREAS, many of Fillmore County's businesses and its citizens are involved in or otherwise depend on industries that utilize and/or depend upon the private ownership of land and its resources, including, but not limited to, livestock grazing, agricultural and horticultural activities, oil and gas exploration and production, mining and mineral development, recreational industries, hunting and other outdoor recreation;

WHEREAS, these industries are important components of the Nebraska economy, and are major contributors to the economic and social wellbeing of Fillmore County and its citizens;

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crises at Home and Abroad (86 Fed. Reg. 7,619);

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program;

WHEREAS, under the 30 x 30 program, approximately 680 million acres of our Nation's lands would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources;

WHEREAS, there is no constitutional or statutory authority of the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008;

WHEREAS, placing private lands into permanent conservation status will cause dramatic and irreversible harm to the economies of many states, including Nebraska, and in particular rural counties such as Fillmore County whose citizens depend upon the private ownership of land for their livelihoods;

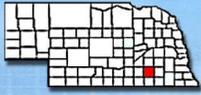
WHEREAS, the 30 x 30 program, if implemented, will conflict with the plans, policies and programs of Fillmore County as expressed in the County's Comprehensive Plan;

WHEREAS, conversion of land from private ownership to federal ownership typically results in removal of said land from the tax rolls of the applicable taxing entity, whereby diminishing the pool of total tax revenue available, and causing a potential for the burden of increased taxation for the remaining owners of privately held land;

WHEREAS, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to "submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, Local, Tribal, and territorial governments, agricultural and forest landowners, fisherman, and other key stakeholders, to achieve the goal of conservation at least 30 percent of our lands and waters by 2030."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Supervisors of Fillmore County, Nebraska, as follows:

1. The Board opposes the 30 x 30 program, including its objective of permanently preserving 30 percent of the Nation's land in their natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.



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2. The Board further opposes the designation of lands in Fillmore County as wilderness, wilderness study areas, wildlife preserves, and open space, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands.
3. The Board supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.
4. The Board recognizes and supports the State of Nebraska's water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under Nebraska Law.
5. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as a justification to set aside large tracts of land as preservers or open space to fulfill the 30 x 30 program's objectives.
6. The Board also maintains that any lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment of full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Fillmore County, its businesses, and its citizens.
7. The Board shall send a copy of this Resolution to the Department of Interior and all other relevant Federal and State agencies.

Upon roll call, the vote was as follows:

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

The Chairman declared the resolution adopted.

ADJOURN

As there was no other business to come before the Board, Sluka moved and Graham seconded the motion to adjourn until 9:05 a.m., May 11, 2021. Upon roll call, the vote was as follows:

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

The Chairman declared the motion carried.

Attest

Chairman