

The York County Board of Commissioners met according to law on April 5, 2011 at 9:41 a.m. as per notice in the York News Times on March 31, 2011, with Chairman Kurt Bulgrin with Pat Bredenkamp, Bill Bamesberger, Tom Shellington and Paul Buller. Also present was Melanie Wilkinson, correspondent for the York News Times.

The agenda of the meeting was posted on the bulletin board in the County Clerk's office and a copy of the agenda was made available to each Commissioner.

Bulgrin announced that the Open Meetings Law was posted outside the door along with copies in the back of the Board Room. Proof of publication was also available.

The Board met with Elected Officials and Department Heads prior to the regular meeting. No action was taken.

Moved by Shellington, seconded by Bamesberger to approve the minutes of the March 22, 2011, Board of Commissioners meeting as presented; roll call: yeas, Shellington, Bamesberger, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

Moved by Bredenkamp, seconded by Buller to adopt the agenda for Tuesday, April 5, 2011 as presented; roll call: yeas, Bredenkamp, Buller, Shellington, Bamesberger and Bulgrin; nays, none; motion carried.

The Board reviewed the General Assistance Cases.

Moved by Bredenkamp, seconded by Buller to approve General Assistance case #11-12 in the amount of \$116.30 for utilities payable to NPPD; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Shellington to approve General Assistance case #11-13 for utilities in the amount of \$346.92 payable to NPPD; roll call: yeas, Bamesberger, Shellington, Bredenkamp, Buller and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Buller to deny General Assistance case #11-14 for rent in the amount of \$300.00 as they are not residents of the county; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

A claim was filed by Greenwood Cemetery Association in the amount of \$400.00 for a burial space for an indigent individual.

Moved by Bredenkamp, seconded by Buller to approve the claim to Greenwood Cemetery for a county burial plot in the amount of \$400.00; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Payroll and vendor claims were reviewed.

Moved by Bredenkamp, seconded by Bamesberger to approve payroll in the amount of \$116,841.50 and vendor claims as presented; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

Fund	Name	Description	Total
Gen	A to Z Printing	Data Proc Supplies	1,235.00
Gen	Atco International	Equipment	98.00
Visitors Prom	Avery Outdoor	Billboard Rental	250.00
Gen	Bill Bamesberger	Mileage	65.28
Gen	Bob Barker Company, Inc.	Equipment	452.12
Gen	Kathy Barnes	Reimbursement	40.00
Gen, Rd	Black Hills Energy	Heating Fuels	4,000.90
Gen	Blue Knight Security, Inc.	Security Contract	1,020.00
Rd	Bosselman	Fuel	28,305.20
Rd	Car Parts Inc.	Repair Parts	544.42
Aging	Cash-Wa Distributing Co.	Supplies	145.95
Gen	Centre Place Dental, P.C.	Medical-Prisoners	88.50
Gen	Charlie's U Save Pharmacy	Medical-Prisoners	693.80
Gen	City of York	Water	949.61
Ambulance	City of York – Ambulance	Quarterly Billing	47,000.00
Rd	Cornhusker Cleaning Systems, Inc.	Shop Supplies	29.84
Rd	Cross-Dillon Tire	Tire Repair	588.00
Gen	Des Moines Stamp Mfg Co	Office Supplies	31.80
Rd	Dibbern Machine	Repair Labor	72.00
Gen	Douglas County Treasurer	Coroner/Autopsy Costs	569.95
Gen, Visitors			
Prom	Eakes Office Plus	Office Supplies	402.29
Rd	Fairbanks Grand Island	Repair Parts	91.89
Rd	Farm Plan	Repair Parts	135.46
Gen	Fillman Law Offices	Attorney Fees	397.50
Gen	First Concord Benefits Group, LLC	Insurance	6,382.19
Gen	Stephen Fisher	Court Costs	20.00
Gen	Galls, An Aramark Company	Uniform Allowance	351.91
Gen	Gene Steffy Chrysler Center, Inc.	Cars & Trucks	24,232.00
Gen	Graham Tire Lin. North	Vehicle Maintenance	951.20
Aging	Grand Central Foods	Supplies	38.61
Gen	Great Plains Pest Management, Inc.	Janitorial Supplies	52.00
Rd	Hamilton Information Systems, Inc.	Computer Consultation	220.00

Gen	Cynthia Heine	Mileage	103.02
Emer Mgnt	Gerald Henrichs	Travel Expenses	186.66
Aging	Janet Hines	Reimbursement	2.61
Gen	Hitz Towing, Inc.	Vehicle Maintenance	70.00
Gen	Jack's Uniforms & Equipment	Uniform Allowance	353.43
Gen	Jackson Services, Inc.	Building Maintenance	42.50
Rd	John Kohl Auto Center, Inc.	Repair Parts/Labor	1,035.18
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	2,097.00
Rd	Kimball Midwest	Repair Parts	669.12
Rd	Kirkham Michael Engineers	Engineering	296.00
Gen	Kopchos Sanitation, Inc.	Garbage	140.00
Visitors Prom	The Lamar Companies	Billboard Rental	470.00
Gen	Lancaster County Court	Court Costs	3.50
Gen	LaRue Distributing, Inc.	Supplies	79.44
Gen	Amanda Lind	Court Costs	20.00
Rd	Manac Trailers USA, Inc.	Repair Parts	16.86
Gen	Marshall County Sheriff	Court Costs	46.00
Rd	Matheson Tri-Gas, Inc.	Shop Supplies	230.53
Rd	Mead Lumber & Rental – York	Shop Tools	185.00
Rd	Midwest Service & Sales	Grader Blades	1,453.60
Rd	Myers Tire Supply	Tire Repair	107.29
Gen	Ne County Attorneys Assoc	Registration	50.00
Gen	Ne Public Power District	Electricity	2,798.27
Rd	Ne Truck & Equipment Co, Inc.	Repair Parts	37.81
Rd	NMC Exchange LLC	Grader Blades	3,301.68
Gen	North Office Supply	Office Equipment	75.98
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	354.53
Rd	O'Reilly Auto Parts	Repair Parts	119.93
Rd	Orscheln Farm & Home	Supplies	118.50
Gen	Lynn Peavey Company	Drug & Alcohol Tests	39.90
Rd	Penner's Tire & Auto, Inc.	Tire Repair	3.71
Gen, Rd,			
Visitors Prom	Perennial Public Power District	Electricity	472.04
Rd	Pieper Plumbing & Well Drilling Inc.	Repair Parts	12.16
Gen	Pierce County Court	Court Costs	2.00
Rd	Power Plan	Repair Parts	257.69
Rd	Precision Industries, A DXP Company	Shop Supplies	58.83
Gen	Sharilyn Ramsey	Mileage	44.88
Rd	Rasmussen Auto Parts	Repair Parts	25.87
Gen	Redwood Biotech	Medical-Prisoners	88.66
Rd	Sahling Kenworth Inc.	Repair Parts	501.86
Visitors Prom	Bob Sautter	Mileage	135.66
Emer Mgnt	Seward County Courthouse	Office Expenditures	3,517.77
Gen	Tom Shellington	Mileage	48.45
Rd	Snap-On Tools	Shop Tools	67.25
CDGB	Southeast Nebraska Development Dist	Economic Development	2,997.98
Rd	Speece Lewis Engineers	Engineering	2,805.00
Rd	Standard Battery, Inc.	Repair Parts	71.95
Gen	State of Ne Das Communications	Equipment Rental	448.00
Gen	State of Ne Dept of Correctional Svcs	Board of Prisoners	841.10
Gen	State of Ne Dist #5 Probation Office	Office Expenditures	3,297.62
Gen	Time Warner Cable	Subscription	73.54
Gen	U.S. Attorney's Office	Registration	200.00
Visitors Prom	USA Outdoor II, LLC	Billboard Rental	360.00
Gen	Verizon Wireless Services LLC	Telephone Service	358.56
Gen	Nancy Waldron	Mileage	59.02
Rd	Weldon Parts – GI	Repair Parts	26.10
Gen	West Payment Center	Legal Fees-Westlaw	21,121.80
Gen, 911	Windstream Communications	Telephone Service	2,275.57
Gen, Rd	York Ace Hardware	Shop Tools	157.11
Visitors Prom	York Area Chamber of Commerce	Special Projects	100.00
Gen	York County	Westlaw Fees	6,173.75
Gen	York County Court	Court Costs	4.75
Gen	York County Highway Dept.	Fuel	2,875.57
911	York County Mutual Aid District	Telephone Service	777.27
Gen	York County Sheriff	Reimbursement	2,135.46
Visitors Prom	York Country Club	Dues	90.00
Rd	York Equipment, Inc.	Repair Parts	155.63
Gen	York General Hospital	Drug & Alcohol Tests	262.00
Visitors Prom	York Jaycees	Special Projects	30.00
Gen, Rd, Aging	York News-Times	Publication	668.27
Gen	York Printing Company, LLC	Office Supplies	99.51
Gen	York Surgical Associates	Medical-Prisoners	525.00

A claim was presented for the Ambulance billing for the period of 1-1-2011 thru 3-31-2011 in the amount of \$47,000.00. At this time, there are not sufficient funds in the Ambulance Fund to cover the entire amount.

Moved by Bredenkamp, seconded by Buller to adopt Resolution #11-12 transferring \$15,000.00 from the Inheritance Tax Fund to the County Ambulance Fund with the condition that it be transferred back to the Inheritance Tax Fund when monies become available; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

RESOLUTION #11-12

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 5th day of April, 2011, to discuss and act on an emergency created in the funds available in the Ambulance Fund to operate until the end of the fiscal year which will be completed on June 30, 2012; and

WHEREAS, operating expenses have unexpectedly exceeded revenue; and

WHEREAS, the York County Board of Commissioners has been advised by the County Clerk that a deficit appropriation in the sum of \$15,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the Ambulance Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$15,000.00 for the Ambulance Fund for the remainder of the fiscal year ending June 30, 2012 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become available.

DATED this 5th day of April, 2011.

Brenda Scavo, County Treasurer spoke with the Board concerning Arbor Day. She advised that her office would be open on Friday, April 29th in order to accommodate those that wish to pay taxes on that date. The Board gave their approval.

A Special Exception Hearing was held at 10:02 as published in the York News Times on March 17, 2011 to consider a special exception to allow an expansion of use on real property described as Irregular Tract 5 in Section 20, Township 10 North, Range 4 West of the 6th P.M. which is located in the Southeast quadrant of the Henderson, Nebraska I-80 interchange. The special exception application filed by Pavel M. Kislyak, requests that he be permitted to expand the current used vehicle sales business to auto body work and/or auto painting, teaching auto body and painting trades, CDL training school, repairing and restoring semi-trucks, open and operate a trucking company, semi-trailer body and refrigeration repair, auto parts store and/or indoor auto wrecking (indoor only), open and operate a towing company, restoration or wrecked vehicles, and vehicle and truck decal and trim kit installation.

Present at the hearing were: County Commissioners Bulgrin, Bredenkamp, Buller, Bamesberger and Shellington. Melanie Wilkinson, representative of the York News Times; Orval Stahr, Zoning Administrator and Deb Nelson Assistant Zoning Administrator; Pavel M. Kislyak, Applicant; Randall Wilhelm, Dennis Regier, Pete Wall, Cassie Seagren, Joe Pankratz, Robert Buettner, Leslie Buettner, Walter Goossen, Michael Wall, Eric Eckert, Clyde Goertzen, Jill Robertson, Lelan Thieszen, Eugene Bergen, Don J. Friesen, Steve Ermer, York County Sheriff, Dale Radcliff, Carol Thieszen, James Thieszen, Marvin Weber and Bryan Mason.

A year ago, Kislyak requested a permit for a used car lot and repair shop. He is now requesting additional exceptions that are not on the exemption application which include rental of vehicles and storage for individual's vehicles prior to being transported somewhere else.

Commissioner Shellington questioned why his property looks so terrible, why wouldn't you make it presentable to the public? Shellington was told that Kislyak got mad for some reason and he was throwing stones at cars and flipping people off.

Randall Wilhelm, part owner of Highway Trailer stated that on March 22nd Kislyak was pacing up and down throwing rocks at people, flipping people off and profanity.

Commissioner Bamesberger stated that the exception requested that he be permitted to expand the current used vehicle business. He has not seen that, it looks like a military compound in a ghetto setting. He quoted a part of Section 12-4 Section A under the Zoning Regulations. The Board can go ahead and grant some of these items with some limitations and requirements.

Chairman Bulgrin questioned the dike around the property. Is it causing drainage issues on the other property?

Kislyak is working on getting a dealership license, it is not approved yet. He has to get insurance first. He stated that no one can be on his property until the business is legally open. The CDL Training School will be for its own purpose when he reopens his trucking service. He will not use the lagoon, will use a honey bucket. He will not use the well but will provide water. Men's restroom is OK to use but it is shut down as it has no heat. He does not want to use external power, he is using 2 generators. He will be working on it.

Bamesberger stated that on the rules for a special exception, he must start on each and everyone within 1 year and complete in 2 years.

Kislyak stated that he had not been told about that. He is not willing to do another meeting.

Jill Robertson, General Manager of Northern Agri Services just north of the Interstate spoke with the Board. The application is not complete. He is not in compliance with the water system and the appearance of the property to the public is a concern.

Mike Wall, Member of the Henderson City Council stated that the application must be denied as it was incomplete.

We don't know fully the scope of what he wants to do there. It is an eye-sour to those entering into the County or the City of Henderson. Until he can demonstrate that he can own and operate a proper looking business, we should not be entertaining any other businesses.

Sheriff Radcliff stated that he is not going to be a good neighbor. He was hollering and throwing rocks at cars. They have been called out there several times.

Orval Stahr stated that if any or all of the requests were approved, the following conditions should be attached:

1. No outdoor storage of anything except operable vehicles
2. Remove the painting and lettering on building
3. All non-surfaced areas be mowed and maintained
4. Waste disposal has to be approved by DEQ including human waste, vehicle waste (oil, fluids and paint)
5. Any water supply be approved by the Nebraska Department of Health
6. Any additional buildings would require a separate zoning permit
7. Adequate parking for any trainee vehicles
8. Any outdoor vehicles would have to be set back at least 10' from the highway ROW
9. Two year limit on the non developed uses if they were not developed within the two years

The public hearing was closed at 10:50 a.m.

Moved by Bamesberger, seconded by Buller that based on what I am looking at here to expand the current use vehicle sales business as I have said before, it has not been established – to deny this permit as it is non compliant; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

Under discussion, Bulgrin stated that he had a problem with the lack of the use of the present utilities that are there.

Kislyak stated that he could drill a well. Waste material can be recycled and get money for it. He would like more than two years – four years would be plenty.

Dave Merrill of Region V Services and C.J. Johnson of Region V Systems presented their annual report and budget request. The reports were placed on file.

Orval Stahr, Zoning Administrator provided the Board with his quarterly report. The Board asked Stahr to work on the issue of zoning regulations in regard to the oil pipeline depth. Also, they requested that regulations be revised regarding the setback for a pivot pad from an intersection.

Bids were opened at 11:00 a.m. as advertised in the York News Times on 3-17 & 3-20-11 for a Melroe Skid Steer Loader. Only one bid was received and that was from York Equipment Inc., of York, Nebraska.

S650 Bobcat Skid-Steer Loader	\$46,212.02
Dealer PDI	\$200.00
Freight	\$461.00
Trade-In S250	\$45,373.02
Total	\$1,500.00

Moved by Bamesberger, seconded by Buller to award the bid to York Equipment for a S650 Skid Steer Loader for the difference in price of \$1,500.00 from the new one to the trade in; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

Lori Byers, Program Director for York County Public Transportation reviewed the funding request with the Department of Transportation for 7-1-11 thru 6-30-12. The request is in the amount of \$52,174 from federal; \$23,387 from state and \$23,387 by local. Byers will publish in the paper the information and that the public is able to comment on the issue. That hearing will be held on April 19th.

Moved by Shellington, seconded by Buller to authorize the Chairman to sign the Application for Public Transportation Assistance; roll call: yeas, Shellington, Buller, Bamesberger, Bredenkamp and Bulgrin; nays, none; motion carried.

The Board discussed the appointment of a Responsible Charge. Due to the resignation of the Highway Superintendent, one must be appointed.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #11-13 appointing Ila Chapman as the temporary RC for York County; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

RESOLUTION #11-13

Whereas: York County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an Interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a "Responsible Charge" (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

Whereas: the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of the resolution, the following definitions will apply:

Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

Full-time public employee means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee's non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

Public employee means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

Responsible charge means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

Be It Resolved: by the Board of Commissioners of York County that:

Ila Chapman is hereby designated as Responsible Charge (RC) for York County until further notice.

Dated this 5th day of April, 2011.

Clerk Heine and Clerk of the District Court Ramsey submitted their March fee reports in the respective amounts of \$16,567.27 and \$1,790.04. The reports were reviewed and placed on file.

Dale Radcliff, County Sheriff submitted his February fee report in the amount of \$3,717.89. The report was reviewed and placed on file.

The Chairman declared the meeting adjourned at 12:05 p.m. The next meeting will be April 19, 2011 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

Kurt Bulgrin, Chairman
York County Board of Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska