

The York County Board of Commissioners met according to law on Tuesday, December 27, 2011 at 9:35 a.m. as per notice in the York News Times on December 22, 2011, with Chairman Kurt Bulgrin presiding, with Pat Bredenkamp, Bill Bamesberger, Paul Buller and Tom Shellington. Melanie Wilkinson, correspondent for the York News Times was also present.

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 December 13, 2011 Board of Commissioners meeting; roll call: yeas, Shellington, Bamesberger, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

Chairman Bulgrin advised that the agenda needed to be amended to take action on the release of a pledged security with Henderson State Bank.

Moved by Bredenkamp, seconded by Bamesberger to amend the agenda to include action on the release of pledged security with Henderson State Bank; roll call: yeas, Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Buller to adopt the amended agenda; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

The Board reviewed the General Assistance claims.

Moved by Bredenkamp, seconded by Shellington to approve a county burial in the amount of \$1,650.00 payable to Metz Mortuary; roll call: yeas, Bredenkamp, Shellington, Bamesberger, Buller and Bulgrin; nays, none; motion carried.

Chairman Bulgrin advised the Board that the candidate for the Highway Superintendent position had declined the offer made him. The matter will be researched and revisited at the next board meeting.

A discussion was had regarding the County Attorney's vacancy. It was determined that the position be advertised in the Omaha World Herald, with the Nebraska Law Colleges which would include UNL and Creighton, Nebraska Bar Association, NACO to be posted on their site and information of the vacancy be e-mailed to other counties. Applications will be accepted through January 13, 2012 at 5:00 p.m. Commissioners Bulgrin and Bamesberger will serve on the committee and set up interviews before the Board on January 24, 2012. A special meeting of the Board of Commissioners will be held on January 31st to appoint the new County Attorney.

Chad Christensen of National Life Insurance again came before the Board regarding their 457 plan. He was informed that only two persons showed interest in the program.

Annually, the Board must designate a "*County Newspaper*" in which public meeting notices will be published.

Moved by Shellington, seconded by Bredenkamp to designate York News Times as the county newspaper for purpose of legal notices; roll call: yeas, Shellington, Bredenkamp, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

The Board must also annually adopt a resolution to appoint depositories for the county for 2012.

Moved by Buller, seconded by Bamesberger to adopt Resolution #11-95 naming York State Bank, Union Bank, Cornerstone Bank, Henderson State Bank and Midwest Bank all of York County as depositories for the year 2012; roll call: yeas, Buller, Bamesberger, Shellington, Bredenkamp and Bulgrin; nays, none; motion carried.

RESOLUTION #11-95

BE IT RESOLVED by the Board of Commissioners of York County, Nebraska, that during the year 2012, and for the remainder of the term of Brenda Scavo as York County Treasurer, or until further directed by this Board that the following named institutions, upon their several requests duly filed and made a part of the Resolution shall be depositories for the funds of York County, Nebraska, to wit:

Cornerstone Bank, York, Nebraska
Henderson State Bank, Henderson/York, Nebraska
Midwest Bank, York, Nebraska
Union Bank, York, Nebraska
York State Bank, York, Nebraska
Nebraska Public Investment Agency Trust, Lincoln, Nebraska

PROVIDED that the aforesaid banks, each and all of them shall meet with all requirements imposed by the laws of the State of Nebraska, regarding proper bonds and securities for any deposits made in said bank.

BE IT FURTHER RESOLVED, that the County Treasurer of York County, Nebraska, is hereby directed and authorized to deposit the funds of York County, Nebraska, during the year, 2012, and for the remainder of the term of the said Brenda Scavo, as County Treasurer, or until further directed by this Board, in the depositories above named in this Resolution.

BE IT FURTHER RESOLVED, that Brenda Scavo, County Treasurer, may when the amount of money which she desires to deposit in the various depositories within the County exceeds fifty percent of the combined stock and surplus on any one individual depository; **PROVIDED** said depositories for such excess deposits shall furnish additional bond of securities as the case may be, and shall comply in all respects with the requirements imposed by the laws of the State of Nebraska.

Dated this 27th day of December, 2011.

Treasurer Scavo requested release of a pledged security with Henderson State Bank.

Moved by Bredenkamp, seconded by Bamesberger to adopt Resolution #11-96 releasing a pledged security with Henderson State Bank CUSIP#98636PAC4 in the amount of \$30,000; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

RESOLUTION #11-96

WHEREAS, Henderson State Bank was heretofore designated as a depository for County Funds and to secure the same from time to time, has heretofore deposited with escrow, certain securities, which have from time to time with the approval of the County Board been submitted for other securities; and

WHEREAS, at this time there are on deposit with said Wells Fargo Bank N.A. in escrow, to secure the County deposits in said Henderson State Bank the following security:

York Cnty Neb Sch Dist No 0096 Ltd Tax Bldg Impt Co
Maturity Date: 12/15/2011
CUSIP: #98636PAC4
Pledged amount: \$30,000.00

BE IT THEREFORE RESOLVED that the depository receipts heretofore filed with the County Clerk covering the above described securities, be and hereby are cancelled and discharged, and the County of York hereby releases the said Wells Fargo Bank N.A., Escrow Agent from all liability by reason of the surrender of the said bonds and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipts covering said securities to Henderson State Bank N.A.

DATED this 27th day of December, 2011.

A request was received from SENDD for administrative and management services in the amount of 2,695.02.

Moved by Shellington, seconded by Buller to authorize the Chairman to sign the SENDD drawdown in the amount of \$2,695.02; roll call: yeas, Shellington, Buller, Bamesberger, Bredenkamp and Buller; nays, none; motion carried.

An extension was requested by SENDD for the EECBG (Energy Efficiency and Conservation Block Grant Program) from the original project period end date of December 31, 2011 to March 1, 2012.

Moved by Bamesberger, seconded by Buller to authorize the Chairman to sign the extension changing the project period from December 31, 2011 to March 1, 2012; roll call: yeas, Bamesberger, Buller, Shellington, Bredenkamp and Bulgrin; nays, none; motion carried.

Gary Zoubek, Extension Educator for York County provided the Board with the York County Extension Annual Report (October 1, 2010 through September 30, 2011). A request was also made to appoint and reappoint Extension Board members.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution #11-97 to re-appoint Barb Woodruff for District 5 and John Mittman to District 1 for three (3) year terms on the York County Extension Board, also to appoint Julie Cast to District 4 to fill out the term of Carrie Kadavy to include all of 2012; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

RESOLUTION #11-97

WHEREAS, the York County Board of Commissioners must appoint/re-appoint Extension Board members; and

WHEREAS, Barbara Woodruff (District 5) and John Mittman (District 1) have agreed to be reappointed to another three (3) year term for their respective districts beginning January 1, 2012 and continuing through December 31, 2014; and

WHEREAS, current board member, Carrie Kadavy has resigned as board member of District 4 and that Julie Cast has submitted her application to fill the unexpired term through 2012;

NOW, THEREFORE BE IT RESOLVED that as of January 1, 2012, Barbara Woodruff and John Mittman are hereby re-appointed each to three (3) year terms from January 1, 2012 through December 31, 2014 and that Julie Cast is hereby appointed to serve out the unexpired term of Carrie Kadavy through December 31, 2012.

Dated this 28th day of June, 2011.

Moved by Bamesberger, seconded by Shellington to accept the annual York County Extension Report; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

At the previous Board Meeting, the District Probation Office requested additional office space within the Courthouse. It was determined that there was no suitable area within the Courthouse. Several options including the Four Corners Health Department were suggested. Commissioner Bredenkamp checked with them and found that they had no additional space to rent out. Other options will be looked into by the Board and the Probation Office.

Committee reports were given.

Moved by Bredenkamp, seconded by Bamesberger to go into executive session at 11:10 a.m. for the purpose of prevention of needless injury to the reputation of an individual (the parties involved waived their right to an open session); roll call: yeas, Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

Chairman Bulgrin restated the motion.

Moved by Bamesberger, seconded by Buller to come out of executive session at 11:30 a.m. where no action was taken; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

An amended Zoning Contract between the County of York and Stahr & Associates, Inc. was reviewed.

Moved by Bamesberger, seconded by Buller to continue with Stahr; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

THIS AGREEMENT entered into as of this 27th day of December, 2011 by and between Stahr & Associates, Inc. (herein called the "Consultant") and York County, Nebraska (herein called the "County") to provide professional consulting services in regard to assisting the County in the proper interpretation and administration of the County zoning regulations

WITNESSETH THAT

WHEREAS, the County desires to engage the Consultant to render certain technical and professional services hereinafter described,

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. EMPLOYMENT OF CONSULTANT

The County agrees to engage the Consultant and the Consultant agrees to perform certain technical and professional services hereinafter set forth.

II. SCOPE OF SERVICES

The Consultant shall do, perform and carry out the following:

- A. Answer questions from local citizens or their representatives with regard to the interpretation and limitations imposed by the zoning regulations,
- B. Provide guidance to the County Board of Commissioners and guidance and training for the County Zoning Administrator regarding proper interpretation and administration of the zoning regulations and proper procedures in the issuance of zoning permits, conduct of meetings and public hearings,
- C. Upon request by the County Board and for an additional fee, as specified herein, prepare amendments to the County's Comprehensive Plan and Zoning Regulations and/or attend public hearings with regard to adoption of any such amendments,

III. TIME OF PERFORMANCE

The services of the Consultant shall commence upon execution of this Agreement by both parties hereto and shall continue on a month by month basis until such time as this agreement is terminated by the County.

IV. COMPENSATION

The County agrees to pay the Consultant a total sum of two hundred dollars (\$200.00) per month for all services specified in Items A and B above. The County shall approve and provide such two hundred dollar (\$200.00) monthly payment without a monthly invoice. If the County desires the Consultant to prepare amendments to the Comprehensive Plan or Zoning Regulations or attend meetings or public hearings, the County agrees to pay the Consultant for the time committed to preparing such amendments at a rate of ninety-five-dollars (\$95.00) per hour.

In the event the Consultant is requested to prepare amendments to the Comprehensive Plan or Zoning Regulations and/or attend meetings of the Planning Commission, Board of Adjustment or the County Board of Commissioners, the Consultant shall submit a billing statement upon completion of such amendments or meetings.

V. ASSIGNABILITY

The Consultant shall not assign any interest in this Agreement and shall not transfer any interest in the same without the prior written consent of the County.

VI. INTEREST OF THE CONSULTANT

The Consultant covenants that the Consultant presently has no interest and shall not acquire any interest which would conflict in any manner with the performance of the services herein specified. The Consultant further covenants that in the performance of the services herein specified, no person having any conflicting interest shall be employed by the Consultant.

VII. EXTENT OF AND CANCELATION OF THIS AGREEMENT

This Agreement represents the entire and integrated Agreement between the County and the Consultant and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument executed by both parties hereto. The County may cancel this Agreement at any time for any reason by providing written notice to the Consultant within ten (10) days prior to the date of cancelation.

VIII. EXECUTION OF AGREEMENT

This Agreement is executed the day and year first written above as witnessed by signature of the parties hereto.

Payroll and vendor claims were reviewed.

Moved by Shellington, seconded by Bredenkamp to approve payroll in the amount of \$117,365.03 and vendor claims as presented; roll call: yeas, Shellington, Bredenkamp, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Rd	Aurora Cooperative Elevator Co.	Fuel	23,325.00

Gen	Automated Systems	Data Proc Equip	1,304.89
Aging	Bag N Save	Supplies	1,637.42
Rd	Bamesberger Blacksmith & Welding	Repair Parts	160.13
Gen	Blue Knight Security, Inc.	Security Contract	876.00
Gen	Marjorie Braman	Retirement	11.00
Rd	Car Parts Inc.	Repair Parts	263.82
Aging	Cash-Wa Distributing Co.	Supplies	77.75
Gen	Chances R Restaurant and Lounge	Banquet	750.00
Gen	Gary Charlton	Retirement	11.00
Gen	City of Henderson	Sheriff Costs	5,000.00
Gen	Clerk of the District Court Polk Co	Court Costs	4.14
Gen	Clerk of the Supreme Court	Court Costs	375.00
Gen	Consolidated Management Company	Meals	50.75
Gen	Continental Research Corp	Building Maintenance	1,704.48
Gen	Contryman Associates, P.C.	Audit Costs	4,450.00
Gen	Corporate Payment Systems	Reimbursement	329.26
Rd	DXP Enterprises, Inc.	Shop Supplies	23.37
Gen	Eakes Office Plus	Office Supplies	341.38
Gen	Election Systems & Software, Inc.	Data Proc Equip	3,000.00
Gen	Electronic Systems	Maintenance Agreement	60.00
Rd	Express Truck Center York	Repair Parts	156.81
Rd	Fairbanks Grand Island	Repair Parts	615.97
Rd	Farm Plan	Repair Parts	341.36
Rd	Farmers Cooperative	Tire Repair	67.99
Rd	Fastenal Industrial & Const Supply	Safety Equipment	14.81
Gen	Fillman Law Offices	Attorney Fees	5,414.35
Rd	Filter Care	Repair Parts	215.25
Gen	First Concord Benefits Group, LLC	Insurance	5,795.87
Gen	Great Plains Pest Management, Inc.	Building Maintenance	45.00
Gen	GT Distributors, Inc.	Uniform Allowance	303.50
Aging	Carolyn Hambleton	Mileage	64.94
Gen	Hampton Inn Kearney	Lodging	629.65
Gen	Harry Hecht	Retirement	16.00
Gen, Weed	Holiday Inn-Kearney	Lodging	1,169.35
Aging	Vanee Holtmeier	Mileage	52.73
Gen	Home Care Plus	Medical-Prisoners	80.00
Gen	Hometown Leasing	Equipment Rental	186.02
Rd	HTR dba Klute Truck Equipment	Repair Parts	21.39
Gen	Hy-Tec Auto Service	Vehicle Maintenance	1,164.45
Gen	Jackson Services Inc.	Maintenance Agreement	42.50
Rd	JEO Consulting Group, Inc.	Engineering	1,225.00
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	2,907.00
Rd	Kerford Limestone Company	Rock	1,115.78
Gen	Lancaster County Sheriff	Court Costs	35.28
Gen	LaRue Distributing, Inc.	Equipment	45.86
Gen	Liermann's Service	Vehicle Maintenance	45.95
Gen	Lincoln County Sheriff	Court Costs	18.00
Rd	Lyle Signs, Inc.	Signs & Posts	383.65
Rd	Matheson Tri-Gas, Inc.	Repair Parts	173.40
Rd	Medical Enterprises, Inc.	Safety Equipment	98.00
Gen	Midwest Auto Fire Sprinkler	Maintenance Agreement	255.00
Gen	MIPS Inc.	Forms	83.75
Rd	Myers Tire Supply	Tire Repair	64.04
Gen	National Paper & Sanitary Supply	Janitorial Supplies	171.39
State Inst,			
Inher Tax	Ne Health and Human Services	Monthly Fees	1,863.00
Gen	Ne State Bar Association	Dues	570.00
Rd	Ne Truck & Equipment Co, Inc.	Repair Parts	138.00
Rd	Nebraskaland Glass	Repair Parts/Labor	107.50
Rd	NMC Exchange LLC	Grader Blades	1,801.34
Rd	Orscheln Farm & Home	Repair Parts	128.36
Rd	Overland Sand & Gravel Company	Gravel	2,414.29
Gen, Rd	Perennial Public Power District	Electricity	296.68
Rd	Power Plan	Repair Parts	2,665.76
Rd	Power Service Inc.	Equipment Repair	23.85
Gen	Quartermaster	Uniform Allowance	111.97
Rd	Rasmussen Auto Parts	Shop Supplies	149.63
Gen	Melvin Reetz	Retirement	12.00
State Inst	Region V Systems	EPC Billing	363.00
Rd	Safety-Kleen Systems	Equipment Rental	367.95
Rd	Sapp Bros. Petroleum, Inc.	Fuel	30.77
Gen	Seams Possible	Uniform Allowance	30.00
Gen	Stahr and Associates	Contractual Services	1,700.00
Gen	State of Ne Das Central Finance	Data Proc Equipment	48.25
Gen	State of Ne Dept Correctional Svcs	Board of Prisoners	1,352.60
Gen	Bruce Stephens	Attorney Fees	3,282.50
Gen	Svehla Law Offices	Attorney Fees	195.00
Gen	Ultramax Ammunition	Safety Equipment	1,087.00

Gen	USI Education and Govt Sales	Supplies	195.79
Rd	Weldon Industries, Inc.	Repair Parts	687.97
Gen	West Payment Center	Consulting Fees	37.50
911	Windstream Communications	Telephone Services	904.86
Gen	Woods & Aitken L.L.P.	Fees	528.00
Rd	York Ace Hardware	Shop Supplies	34.56
Gen	York County Clerk Petty Cash	Reimbursement	1,739.52
Gen	York County Court	Court Costs	814.59
Gen	York County Sheriff	Office Equipment	88.88
Rd	York Equipment, Inc.	Repair Parts	216.09
Gen	York Medical Clinic PC	Medical-Prisoners	129.26
Gen	York News-Times	Publication	132.33
Gen	York Printing Company, LLC	Office Supplies	195.26
Gen	Zee Medical Service	Safety Equipment	89.10

At this time it is necessary to transfer monies from the Inheritance Tax Fund to the Relief Fund in order to pay claims which are due.

Moved by Bredenkamp, seconded by Bamesberger to adopt Resolution #11-98 to transfer \$2,000. from the Inheritance Tax Fund to the County Relief Fund with it to be refunded when funds would allow; roll call: yeas, Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

RESOLUTION #11-98

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 27th day of December 2011, to discuss and act on an emergency created in the funds available in the County Relief 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 \$2,000.00 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 County Relief Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$2,000.00 for the County Relief 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 27th day of December, 2011.

The Chairman declared the meeting adjourned at 11:36 a.m. The next meeting will be held January 10, 2012 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 regular meeting.

Kurt Bulgrin, Chairman
York County Board of Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska