The York County Board of Commissioners met according to law on Tuesday, February 19, 2013 at 8:30 a.m. as per notice in the York News Times on February 14, 2013, with Vice Chairman Bill Bamesberger presiding, with Tom Shellington, Paul Buller and Jack Sikes. Also present at the meeting was Melanie Wilkinson, correspondent for the York News Times. Commissioner Kurt Bulgrin was absent.

The meeting was opened with the Pledge of Allegiance.

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.

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

Moved by Shellington, seconded by Sikes to approve the minutes of the February 5, 2013, Board of Commissioners meeting; roll call: yeas, Shellington, Sikes, Buller and Bamesberger; nays, none; Bulgrin absent; motion carried.

Moved by Shellington, seconded by Buller to approve the agenda as presented; roll call: yeas, Shellington, Buller, Sikes and Bamesberger; nays, none; Bulgrin absent; motion carried.

**GENERAL ASSISTANCE:**

There were no General Assistance claims to come before the Board.

**INTERFUND TRANSFERS:**

There were no Interfund Transfers to come before the Board.

The Board reviewed the 2011-2012 County of York audit which was conducted by Contryman Associates, P.C.

Moved by Shellington, seconded by Sikes to accept the 2011-2012 County Audit; roll call: yeas, Shellington, Sikes, Buller and Bamesberger; nays, none; Bulgrin absent; motion carried.

Lori Suddarth submitted her request for the final payment of $550.00 for conducting the 2013 York County Spelling Bee and also advised that she would be willing to conduct it for the year 2014 for the same amount of $1,100.00.

Moved by Sikes, seconded by Shellington to accept the offer of Lori Suddarth to conduct the 2014 Spelling Bee for the amount of $1,100.00; roll call: yeas, Sikes, Shellington, Buller and Bamesberger; nays, none; Bulgrin absent; motion carried.

Orval Stahr submitted an agreement for the Board’s review in which his company would provide professional consulting services for preparation of an updated Comprehensive Plan along with updating the Zoning and Subdivision Regulations.

Moved by Sikes, seconded by Buller to approve the agreement between Orval Stahr of Stahr and Associates, Inc. and York County; roll call: yeas, Sikes, Buller, Shellington and Bamesberger; nays, none; Bulgrin absent; motion carried.

**AGREEMENT**

THIS AGREEMENT entered into as of this 19th day of February, 2013 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 preparation of an updated Comprehensive Plan, undated Zoning Regulations and Subdivision Regulations for the unincorporated areas of the County

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:

1. EMPLOYMENT OF CONSULTANT

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

1. SCOPE OF SERVICES

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

1. Prepare, present and review an updated Comprehensive Plan for the County which shall include the following components:

1. Population, Economic and Housing Needs Analysis and Forecasts: This component of the Comprehensive Plan shall evaluate past and current population levels and demographic trends to provide a basis for projecting future population levels and housing needs in the County. An analysis of the local economy shall be conducted to provide a basis for projecting future land use needs. An analysis of existing housing quantities, types and conditions, vacancy rates, housing sales data and household income data shall be used in combination with the population forecast to yield a forecast of future housing needs.
2. Environmental Analysis: This Component shall include an analysis of the natural environmental factors, including topography, drainage and flood hazard, soils, hydrology and geology, as well as man-made environmental factors, which have and will impact further development within and around the County, with particular attention given to issues relating to roadway traffic levels and roadway maintenance costs.
3. Existing Land Use Analysis: A field survey of all land uses existing in the County and shall be conducted and mapped to identify land development trends, areas of land use conflict and relationships of land uses to the public infrastructure to provide a basis for formulation of the future land use plan and application of zoning districts.
4. County Development Goals and Objectives

After the above listed “background” components of the Comprehensive Plan are completed, the Consultant shall meet with local agricultural producer organizations, the York County Development Corporation and other interested citizen groups to ascertain problems and issues regarding the future of the County from their perspectives. Based on this input, the Consultant shall work with the Planning Commission to formulate specific development goals to guide the development of the updated Comprehensive Plan. Once such goals are formulated and reviewed, specific objectives shall be formulated, presented and reviewed to provide guidance as to how best to achieve each stated goal. This process is a very important way of including the inputs of low and moderate income and special needs households in the planning and community development process.

1. County Facility and Services Plan: This component shall evaluate the adequacy of existing community facilities, including recreation facilities and offerings, schools, libraries, administrative and maintenance buildings and any other County facilities and services with regard to condition and the ability to serve the present and future population of the County. Recommendations for improvement or expansion of county facilities and services shall be provided where such will be needed to provide adequate levels of service to the future population.
2. Future Land Use Plan: Based upon the finding of the Environmental Analysis, the Existing Land Use Analysis, the Community Facilities and Services Plan, and the County Goals and Objectives, a plan for future land use locations by type within the unincorporated areas of the County shall be formulated to guide future land development and provide the legal basis for application of zoning districts.
3. Transportation Plan: This component shall include an evaluation of existing transportation systems and services within the County, with particular attention given to the current and future adequacy of County roadways and transportation services for the elderly and handicapped. Recommendations for improvements in the transportation facilities and services which may be needed to provide adequate levels of service to the future populations shall be provided together with recommendations for improvement of roadways appropriate to achieving the Future Land Use Plan.
4. Energy Plan: This additional component shall include an evaluation of past and present energy use within the County and shall formulate and recommend methods of reducing energy consumption by the County where possible through the Planning Period.
5. Prepare, present and review a complete set of updated zoning regulations for the unincorporated areas of the County. Such zoning regulations shall be based upon maximizing the opportunities for development in the County while protecting existing and future uses from land use conflicts. Such regulations shall also be simplified as much as possible to minimize the time and cost associated with administration of the zoning regulations. The zoning regulations shall include appropriate overlay districts for municipal well-head protection, as well as administrative forms and checklist, sample zoning permit forms, sample variance forms and checklists and sample conditional uses forms and checklists to maximize the ease of zoning administration. An official zoning map shall be prepared, presented and reviewed. Such map shall be in a size format that will allow the County to easily update such map in the future.
6. Prepare, present and review a complete set of subdivision regulations for the unincorporated areas of the County. Such subdivision regulations shall provide for the review and approval of subdivisions of land within the unincorporated areas of the County which are less than ten (10) acres in area.
7. In order to insure that proper procedures are utilized by the Planning Commission and Board of Adjustment in the formulation and implementation of the Comprehensive Plan and Zoning Regulations and to minimize potential liability, a complete updated set of Bylaws and Rules of Procedure for the Planning commission and a complete set of Bylaws and Rules of Procedure for the Board of Adjustment shall be provided and reviewed with the Planning Commission and Board of Adjustment.
8. Twenty (20) copies of plans and regulations shall be prepared and delivered to the County upon completion of all work herein proposed. Such copies shall be bound in a custom-printed three-ring binder to facilitate ease in updating of the plans and regulations in the future. In addition, a working electronic copy of all such documents shall be provided to the county to facilitate ease in updating and in generating additional copies of any and all plans and regulations.
9. The Consultant shall have a responsible representative at all public meetings and hearings necessary for the adoption of the Comprehensive Plan, Zoning Regulations and Subdivision Regulations to summarize the findings and recommendations of each planning and regulation component, to answer questions and assist in the adoption of each planning component.
10. MEETINGS

The Consultant shall attend a total of ten (10) meetings of the Planning Commission to discuss issues related to the formulation of the updated comprehensive plan, zoning regulations and subdivision regulations. The Consultant shall also attend one (1) public hearing to be conducted by the Planning Commission to consider its recommendations to the County Board of Commissioners regarding such plans and regulations and the Consultant shall attend one (1) public hearing to be conducted by the County Board of Commissioners to consider adoption of the updated comprehensive plan, zoning regulations and the subdivision regulations. The Consultant shall, at the option of the Planning Commission or County Board of Commissioners, attend any additional meetings desired by the County and shall be compensated for any additional meetings as set forth in this Agreement.

1. TIME OF PERFORMANCE   
   The services of the Consultant shall commence upon execution of this Agreement by all parties hereto and all work shall be completed not later than twelve (12) months for the date of execution of the Agreement.
2. COMPENSATION

The County agrees to pay the Consultant a total sum of Twenty Thousand Dollars ($20,000.00) for all services specified herein, provided that if the County desires the Consultant to attend meetings or hearings in addition to those specified herein, the County agrees to pay the Consultant an additional One Hundred Dollars ($100.00) per meeting for any such additional meetings. The Consultant shall submit billing statements upon completion and presentation of the service items listed herein in accordance with the following fee schedule and the County agrees to pay the Consultant the billed amounts with thirty (30) days of receipt of each billing statement.

Fee Schedule

1. Formulation of the Comprehensive Plan
2. Population, Economic and Housing Needs Analysis and Forecasts……. $2,500.00
3. Environmental Analysis………………………………………………… $1,500.00
4. Existing Land Use Analysis…………………………………………….. $2,500.00
5. Community & Economic Development Goals & Objectives…………... $2,500.00
6. Community Facilities, Services and Utilities Plan……………………… $2,000.00
7. Future Land Use Plan…………………………………………………… $1,500.00
8. Transportation Plan……………………………………………………... $1,500.00
9. Energy Plan……………………………………………………………... $1,500.00
10. Formulation of Zoning Regulations and Official Zoning Map…………….. $2,500.00
11. Formulation of Subdivision Regulations…………………………………… $1,500.00
12. Formulation of Bylaws and Rules of Procedure……………………………. $ .00
13. Publication of Documents………………………………………………….. $ 500.00

TOTAL $20,000.00

1. COUNTY’S RESPONSIBILITIES

The County shall be responsible for preparation and publication of a legal notices associated with announcing the meetings and public hearings necessary for adoption of the plans and zoning regulations, as specified herein.

VII 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.

VIII 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.

IX. EXTENT OF 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.

X. EXECUTION OF AGREEMENT

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

Dated and signed this 19th day of February, 2013

Moved by Buller, seconded by Shellington to go into Executive Session at 8:41 a.m. for the prevention of needless injury to an individual; roll call: yeas, Buller, Shellington, Sikes and Bamesberger; nays, none; Bulgrin absent; motion carried. Vice Chairman Bamesberger restated the motion.

Moved by Buller, seconded by Shellington to come out of Executive Session at 9:00 a.m. where no action took place; roll call: yeas, Buller, Shellington, Sikes and Bamesberger; nays, none; Bulgrin absent; motion carried.

Mitch Doht, Highway Superintendent updated the Board on various Road Department issues.

A problem exists in Western Iowa and Eastern Nebraska where streams and rivers have degradation and erosion problems due to channelization and straightening which was performed during the first half of the 20th century. This has caused the upstream channel beds to erode thus causing damage to public bridges, culverts, utility lines, etc and private loss of farmland.

Iowa has a plan in place to mitigate the problem, however, funding has ceased. They are asking that the State of Nebraska to join with them in asking for federal funding of the project.

Moved by Buller, seconded by Sikes to adopt Resolution #13-07 to show support for a similar coalition which would seek funding of the project; roll call: yeas, Buller, Sikes, Shellington and Bamesberger; nays, none; Bulgrin absent; motion carried

**RESOLUTION #13-07**

**WHEREAS**, much of eastern Nebraska consists of soils which are highly susceptible to erosion and stream degradation; and

**WHEREAS**, The erodible streambeds of eastern Nebraska are unstable and are widening due to degradation which results in damage to public and private infrastructure such as bridges, culverts, utility lines, loss of farmland, etc. and

**WHEREAS,** The Hungry Canyon Alliance, Inc. is a coalition of counties in Iowa which was developed specifically to research and implement solutions to the problem of stream channel erosion and degradation of western Iowa, and

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Commissioners/Supervisors of York County, Nebraska would support a similar coalition of counties seeking County, State and Federal funding sources to limit stream channel degradation in the impacted region of eastern Nebraska.

Dated this 19th day of February, 2013.

Hamilton Long Distance dba Hamilton Telecommunications have requested Right-Of-Way Permission to bury cable 4 feet deep in the shoulder of the road and bore culverts and intersections.

Moved by Shellington, seconded by Buller to approve the road crossing permit for Hamilton Telecommunications; roll call: yeas, Shellington, Buller, Sikes and Bamesberger; nays, none; Bulgrin absent; motion carried.

Denny Crowell, York County Maintenance Supervisor and the Board reviewed three informal quotes for a replacement heating and cooling system above the jail area. Proposals/Estimates were received from Central Nebraska Refrigeration, Inc. of York; York Heating and Air Conditioning of York and McCormick’s Heating and Air Conditioning Inc., of York. Because two of the quotes were estimates and warranties were not mentioned on two of the bids, it was determined that the matter should be tabled.

Moved by Buller, seconded by Sikes to table the matter for two weeks; roll call: yeas, Buller, Sikes, Shellington and Bamesberger; nays, none; Bulgrin absent; motion carried.

A Public Hearing was held at 10:00 a.m. to inform the public of the One and Six Year Road and Bridge project. Those present at the hearing were: Commissioners Sikes, Buller, Shellington and Bamesberger; Mitch Doht, Tom Mommens, Randy Doremus and Deb Nelsen of the Road Department; Mr. & Mrs. Bob Gonnerman, Jim Klute, Myron Gocke. The public was invited to speak.

The hearing was closed at 10:27 a.m. The Board will discuss and act on the One and Six Year Road and Bridge Program at the March 5, 2012 Board Meeting.

The Board and Veterans Service Officer, Sandman discussed the disposal of a check which was issued for the damage incurred on the Veterans Service car. Originally, the vehicle was property of the York County Sheriff. When updating the Sheriff’s fleet, the car was to be traded out or disposed of. It was determined that the Veterans Office use the vehicle for transportation proposes. Vice Chairman Bamesberger noted that the State Auditor’s office advised that any equipment which was purchased through the General Fund should go back to the General Fund. It was therefore a consensus that said check would be deposited in the Miscellaneous General Fund.

**PAYROLL AND VENDOR CLAIMS WERE REVIEWED:**

Moved by Shellington, seconded by Sikes to approve payroll in the amount of $128,953.16 and vendor claims as presented; roll call: yeas; Shellington, Sikes, Buller and Bamesberger; nays, none; Bulgrin absent; motion carried.

**Fund Name Description Total**

Gen Acadia Contracting & Glass Building Maintenance 264.00

Visitors Prom Avery Outdoor Media-Advertising 250.00

Gen Blue Knight Security, Inc. Security Contract 1,956.00

Rd Bosselman Fuel 28,561.03

Gen Marjorie Braman Retirement 11.00

Gen Patricia Bredenkamp Retirement 10.00

Gen, Aging Lori Byers Reimbursement 311.28

Rd Car Parts Inc. Repair Parts 87.89

Gen Cash-Wa Candy Company Board of Prisoners 1,270.79

Aging Cash-Wa Distributing Co. Supplies 859.61

Gen Chances R Restaurant Meals 1,040.97

Gen Gary Charlton Retirement 11.00

Gen City of York Water 1,173.55

Gen Claritus Supplies 300.37

Gen Clerk of the Supreme Court Court Costs 375.00

Gen Connecting Point Computer Center Data Proc Equip 50.00

Sheriff Cooks Correctional Office Equip 587.12

Gen Don Copeland Reimbursement 292.99

Gen Cornerstone Bank Data Proc Equip 45.00

Rd Cornhusker Cleaning Systems Inc. Shop Supplies 122.08

Gen, Rd Corporate Payment Systems Monthly Fees 969.81

Gen Byron Covey Mileage 132.21

Gen Denny Crowell Reimbursement 41.47

Gen Sharon Cuda Retirement 10.00

Gen, Relief Data Tech Computer Services Equipment Repair 579.90

Gen Daniel Davis, MD Court Costs 12,125.00

Gen Dawson County Sheriff Court Costs 20.00

Weed Doug Deprez Reimbursement 221.86

Rd Mitch Doht Reimbursement 50.00

Gen, Aging,

Sheriff Eakes Office Plus Office Supplies 2,531.84

Aging Phyllis Eberhardt Mileage 30.09

Gen Faller Landscape Maintenance 45.00

Rd Farm Plan Repair Parts 1,675.88

Rd Fastenal Industrial & Const Supply Shop Supplies 34.60

Gen Fillman Law Offices Attorney Fees 1,127.70

Gen First Concord Benefits Group, Inc. Insurance 1,114.00

Rd Gale’s Welding Inc. Repair Parts 11.50

Gen Gene Steffy Chrysler Center, Inc. Cars 48,368.00

Gen, Aging Grand Central Foods Supplies 3,582.99

Gen Great Plains Pest Management, Inc. Maintenance Agreement 108.00

Rd Grones Outdoor Power Repair Parts/Labor 160.16

Aging Carolyn Hambleton Mileage 11.87

Gen Harry Hecht Retirement 16.00

Aging Janet Hines Reimbursement 87.03

Gen Hinz Repair Vehicle Repair 76.99

Gen Hitz Towing, Inc. Vehicle Maintenance 100.00

Gen Holiday Inn – Kearney Lodging 497.70

Gen Home Care Plus Medical-Prisoners 120.00

Gen Hometown Leasing Office Equip Rental 582.33

Rd HTR Inc. Repair Parts 126.10

Gen Hy-Tec Auto Service Vehicle Maintenance 262.33

Rd Inland Truck Parts & Service Repair Parts 379.67

Gen, Rd Jackson Services Inc. Maintenance Agreement 122.04

Rd Jensen Lumber Company Shop Supplies 14.81

Gen JM Monograms, Inc. Uniform Allowance 63.80

Rd Klein Survey Systems Inc. Shop Tools 640.00

Gen Kopchos Sanitation, Inc. Garbage 181.00

Gen Lancaster County Sheriff Court Costs 22.76

Gen LaRue Distributing, Inc. Supplies 70.92

Rd Lichti Bros Oil Co, Inc. Fuel 23,889.60

Gen Lichti’s Inc. Equipment 59.95

Rd Mac Tools Distributor Shop Supplies 35.01

Gen Manatron, Inc. Data Proc Costs 1,535.04

Rd Matheson Tri-Gas, Inc. Repair Parts 51.93

Gen Brad Melby Reimbursement 260.00

Gen Microfilm Imaging Systems, Inc. Data Proc Equip 300.50

Rd Midwest Machinery & Supply Co. Guard Posts 122.10

Gen MIPS Inc. Data Proc Costs 752.84

Gen Mogul’s Transmission, Inc. Vehicle Maintenance 578.83

Gen Moore Medical, LLC Medical-Prisoners 125.84

Gen Jeanne Morand Court Costs 262.50

State Inst Ne Health and Human Services Monthly Fees 744.00

Rd Ne Public Power District Electricity 291.71

Rd Ne Truck & Equipment Co, Inc. Repair Parts 61.79

Rd NMC Exchange LLC Repair Parts 1,061.08

Gen North Office Supply Office Supplies 271.66

Rd O’Reilly Auto Parts Repair Parts 49.27

Rd Orscheln Farm & Home Shop Supplies 75.17

Gen Otoupal Insurance Fees 50.00

Gen Paper Tiger Shredding Monthly Fee 35.00

Rd Perennial Public Power District Electricity 170.16

Rd Petro Lube Repair Parts/Labor 511.87

Rd Power Service Shop Supplies 17.54

Rd Rasmussen Auto Parts Shop Tools 101.92

Gen Redfield & Company, Inc. Office Supplies 619.24

Gen Melvin Reetz Retirement 12.00

State Inst Region V Systems EPC Billing 726.00

Rd Safety-Kleen Systems Equipment Rental 367.95

Rd Sahling Kenworth Inc. Repair Parts 255.58

Gen Don Sandman Reimbursement 181.74

Rd Sapp Bros. Petroleum, Inc. Oil 596.00

Gen Seams Possible Uniform Allowance 10.00

Gen Secretary of State-Election Div Voting Supplies 10.00

Gen, Aging Service Press Publication 231.20

Gen ServiceMaster Clean of York Janitorial Supplies 14.98

Emer Mgnt Seward County Courthouse Monthly Expense 3,769.72

Gen Tom Shellington Reimbursement 25.68

Gen Jack Sikes Reimbursement 123.01

Fed Drug Law Snap-On Incorporated Supplies 48.67

Rd Snap-On Tools Shop Supplies 58.20

Visitors Prom St. Joseph’s Athletic Club Publication 90.00

Gen Stahr & Associates Contractual Services 200.00

Gen State of Ne Das Central Finance Data Proc Equip 80.25

Gen Sharilyn Steube Reimbursement 25.99

Gen Dr. Todd Stuckey Court Costs 4,550.00

Sheriff Telephone Systems of Nebraska, Inc. Equipment 859.39

Gen Verizon Wireless Services LLC Telephone Service 289.85

Rd Village of Bradshaw Electricity 26.79

Rd Village of McCool Junction Water/Sewer 37.00

Sheriff Vinyl Products Mfg., Inc. Supplies 4,523.89

Visitors Prom Waitt Outdoor, LLC Media-Advertising 445.00

Gen Walgreens Medical-Prisoners 7,047.27

Gen Watchguard Video Equipment 95.00

Visitors Prom Web Tech Solutions Monthly Fees 36.67

Rd Weldon Industries, Inc. Repair Parts 2,306.68

Gen, E911, 911,

Aging, Rd Windstream Communications Telephone Service 4,747.93

Gen, Rd York Ace Hardware Supplies 200.18

Gen, Aging York Area Chamber of Commerce Rent/Dues 100.00

Gen York Boot-N-Repair Uniform Allowance 20.00

Gen, Rd, Aging York County Clerk – Petty Cash Reimbursement 1,738.00

Gen York County Court Court Costs 155.00

Visitors Prom York County Development Corp Monthly Expense 1,954.80

Gen York County District Court Court Costs 587.00

Gen, Weed York County Highway Dept Fuel 4,828.50

Gen York Electronics Supplies 39.99

Rd York Equipment, Inc. Repair Parts 1,303.20

Gen York General Hospital Drug Tests 383.00

Gen, Visitors Prom,

Aging York News-Times Publication 1,332.76

Gen York Printing Company, LLC Office Supplies 389.52

Gen Gary Zoubek Mileage 312.36

Clerk Heine submitted her January fee report in the amount of $21,232.14. The report was reviewed and placed on file.

Treasurer Scavo submitted the January 31, 2013 Fund Balances.

General $826,683.33

Roads $217,120.26

Road Bond $4,971,853.71

Adult Diversion $322.79

Juvenile Diversion $4,897.53

Reappraisal $50,000.00

Employment Security $5,475.95

Area on Aging $16,335.79

Relief & Medical $4,627.70

State Institutions $5,628.75

Veterans Aid Fund $25,415.32

Busy Wheels $14,108.45

STOP $7,931.58

County Drug Fund $475.00

Federal Drug Law Enforcement $6,267.12

Debt Service $276,152.67

Inheritance Tax $1,734,239.06

911 Wireless Service $52,001.93

911 Wireless Service Holding $18,826.12

Emergency Mgmt $22,689.85

Law Enforcement Sheriff $26,803.60

Noxious Weed Dist $7,081.98

Ambulance $51,382.51

911 Emergency $92,181.23

CDBG $10.01

County Visitors Impr Fund $215,587.27

Visitors Promotion $57,749.13

The Chairman declared the meeting adjourned at 10:41 a.m. The next meeting will be held March 5, 2013 at 8:30 a.m. in the County Commissioners Room, lower level of the Courthouse for the regular meeting.

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Kurt Bulgrin, Chairman Cynthia D. Heine, County Clerk

York County Board of Commissioners York, Nebraska