The York County Board of Commissioners met according to law on Tuesday, May 18, 2021 at 8:30 a.m. as per notice in the York News Times and on the York County Website, on May 13, 2021, with Chairman Randy Obermier, presiding, with Jack Sikes, Daniel Grotz, Bill Bamesberger and Kurt Bulgrin. Also, present at the meeting was Kelly Turner, York County Clerk and Melanie Wilkinson, corresponded with the York News Time.

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.

Obermier announced that the Open Meetings Act was posted outside the door along with copies in the back of the Board Room and on the York County Website. Proof of publication was also available.

Moved by Grotz, seconded by Sikes, to approve the minutes of the May 4, 2021, Board of Commissioners meeting; roll call: yeas; Grotz, Sikes, Bamesberger, Bulgrin and Obermier, nays, none; motion carried.

Moved by Bamesberger, seconded by Bulgrin, to adopt the agenda for Tuesday May 18, 2021, roll call: yeas; Bamesberger, Bulgrin, Grotz, Sikes and Obermier; nays, none; motion carried.

Leila Luft, 911 Communications Director, met with the Board with update on the Communications Department.

Harvey Keim, Highway Superintendent, met with the Board with updates on the Road Department.

Willard Peterson, spoke with the Board.

Moved by Bulgrin, seconded by Sikes, to go into executive session at 8:46 a.m., to prevent needless injury to an individual, also present was Amanda Ring, Deputy County Clerk (Human Resources) and John Lyons, County Attorney, roll call: yeas; Bulgrin, Sikes, Bamesberger, Grotz and Obermier, nays, none; motion carried.

Moved by Sikes, seconded by Bamesberger, to come out of executive session at 9:38 a.m. which no action was taken; roll call: yeas; Sikes, Bamesberger, Grotz, Bulgrin and Obermier nays, none; motion carried.

Moved by Bamesberger, seconded by Sikes, to approve the Grant Application for Henderson Heritage Improvement Funds for Eastside Café Awning, in the amount of $1,548.00, roll call, yeas; Bamesberger, Sikes, Grotz, Bulgrin and Obermier, nays none, motion carried.

**PAYROLL AND VENDOR CLAIMS:**

Moved by Bamesberger, seconded by Bulgrin, to approve the payroll in the amount of $190,716.41 and vendor claims, roll call: yeas; Bamesberger, Bulgrin, Grotz, Sikes and Obermier, nays; none; motion carried.

**Fund Name Description Total**

Road Allied Oil & Supply Supplies 1,051.60

Gen Atco International Equipment 134.00

Visi Promo Avery Outdoor Advertising 300.00

Gen Bob Barker Company Uniforms 445.80

Road Baum Hydraulics Corp Supplies 83.75

Gen Beaver Bearing Co. Supplies 12.88

Gen Bid Red Printing Supplies 95.88

Gen/Road Black Hills Energy Heating Fuels 1,872.72

Gen Blue Knight Security Security 990.00

State Inst Bryan Physician Network Medical 671.00

Road Buel Trucking Rock 17,796.45

Gen Butler County Detention Center Prisoner Cost 1,900.00

Gen Capital Business Systems Equipment 483.66

Gen Cass County Public Safety Foundation Dues 30.00

Road CCP Industries Supplies 264.57

Gen Centec Cast Metal Products Grave Markers 2,023.44

Gen Child Advocacy Center Probation Cost 5,663.00

Ambulance City of York Ambulance Dues 71,000.00

Road Continental Battery Company Equipment 383.44

Gen Cornerstone Bank Maintenance/Supplies 184.07

Gen Cornerstone Insurance Group Misc. 13,795.97

Road Cornhusker Cleaning Systems Supplies 71.70

Gen/Road/Area/Emerg Manage

Child Supp/911 Corporate Payment Systems Misc. Supplies 7,345.86

Gen Crawford, Tanya Mileage 121.97

Gen/911 Emerg Culligan Supplies 935.50

Gen Diamond Drugs Medical 462.51

Area on Age Eakes Office Supply Supplies 115.03

Gen/911 Emerg Eakes Supplies 1,199.01

Road Fastenal Industrial Supplies 492.03

Gen Federal Supply USA Medical 250.42

Gen Fillman Law Offices Court Cost 3,916.00

Road Filter Care Service/Supplies 39.80

Gen Galls Supplies 1,205.06

Gen Global Tech Maintenance 2,069.89

Stop Prog Granger Equipment 1,558.48

Gen/Area Grand Central Foods Supplies 3,557.10

Road Grant Built Logistics Misc. 1,887.37

Gen/Road Great Plains Pest Control Service 315.00

Road Greckel Construction Misc. 7,274.52

Gen Guardian RFID Maintenance 3,196.00

Gen GWorks Maintenance 20,556.25

Gen Hall County Sheriff Misc. 22.72

Gen Herbs Window Wash Service 1,151.00

Area on Age Hines, Janet Mileage/Misc Reim 40.36

Gen/Road Hinz Repair Service/Parts 2,856.20

Gen Home Care Plus Medical 51.00

Gen Home Depot Supplies 145.58

Gen Hometown Leasing Equipment 321.97

Road Hooker Bros. Gravel 5,511.8/0

Road HTR, Klute Truck Equipment 482.70

Gen HY\_TEC Auto Service Service/Parts 67.56

Stop Prog Idemia Identity & Security USA Equipment 3,800.00

Gen Interstate Power Systems Service/Supplies 9,100.00

Road Island Landhandlers Gravel 8,525.43

Gen/Road Jackson Services Service 180.76

Road Janssen Capital Management Equipment 38.65

Gen Jensen Lumber Company Supplies 344.97

Road Johnson, Larry V Uniform 100.00

Road Johnson Sand & Gravel Gravel 21,186.60

Area on Age JW’S Catering & Concessions Supplies 137.06

Road Kelly Supply Company Equipment 50.83

Road Kerford Limestone Company Rock 13,917.88

Road Kimball Midwest Supplies 476.38

Highway Kirkham Michael Engineers Engineering 3,920.00

Gen Kopchos Sanitation Service 242.00

Gen Lancaster County Sheriff Court Cost 43.28

Gen Lancaster County Youth Services Juvenile Care Cost 4,416.00

Visi Promo Lamar Companies Advertising 540.00

Visi Promo Legacy Outdoor Advertising Advertising 673.00

Road Lichti Oil Supplies 21,231.00

911 Emerg Luft, Leila Mileage 64.10

Highway Allo Mainelli Wagner & Assoc. Service 12,504.78

Road Matheson Tri-Gas Supplies 31.94

Gen Matts Welding Jail Remodel 5,000.00

Gen MMSGS Medical 2,122.63

County Relief Metx Mortuary Burial 2,000.00

Gen Medical Enterprises Misc. Medical 35.00

Gen Microfilm Imaging Misc. 353.00

Road Midwest Auto Parts Supplies 226.56

Highway Allo Midwest Infrastructure Service 57,337.90

Gen MIPS Maintenance 1,246.86

Gen Moguls Transmission Service/Parts 663.57

Gen Naber’s Locksmith Service Supplies 29.25

Gen Ne Assoc of County Officials Membership Dues 2,736.55

Gen Ne County Attorneys Assoc Training/Dues 1,363.00

Gen/Road NPPD Electricity 442.96

Road Neb Truck Center Equipment 200.92

Road Ne-Iowa Industrial Fasteners Supplies 29.36

Road NMC Exchange Equipment 17,707.15

Gen North Printing & Office Supply Supplies 271.69

Road Officenet Supplies 899.87

Gen Olberding, Rita Court Cost 60.30

Road Overland Sand & Gravel Company Gravel 7,673.04

Gen Paper Tiger Shredding Misc. 35.00

Road Paulsen, Terry Telephone Service 30.00

Gen Pawlentry, Jason Mileage 120.96

Road/Visi Prom Perennial Public Power Dist. Electricity/Advertising 258.59

Gen Perez Interpreting Court Cost 187.12

Gen Phoenix Supply Medical 91.15

Road Pieper Plumbing & Well Drilling Service/Parts 1,170.62

Road Pomp’s Tire Service Equipment 15,163.20

Road Power Plan Equipment 2,928.66

Road Rasmussen, Ashley Telephone 30.00

Gen Rasmussen Mechanical Services Maintenance 3,127.67

Road RDO Truck Center Co Equipment/Repair 2,641.91

Road Rea, Max Uniform 100.00

Gen Rocky Mountain Instrumental Labs Court Cost 100.00

Gen Ron & Jerry’s Plumbing Supplies 364.00

Road Sahling Kenworth Service/Parts 1,133.75

Road Sapp Bros. Equipment 15,947.79

Visi Promo Sautter, Robert Mileage/Misc 79.24

Emerg Manage Seward County Courthouse Misc. 3,217.13

Gen Seward County Detention Center Prisoner Cost 10,790.00

Gen Skips Automotive Service/Parts 47.85

Emerg Manage Sorensen, Brett Travel Expense 67.20

Gen/911 Emerg Soarin Group Equipment 1,348.60

Gen/911 Emerg Spectrum Internet 3,444.81

Gen Standard Appraisal Service Appraisers Fee’s 721.00

Gen/911 Emerg State of Nebraska Maintenance 160.88

Stop Prog Stopstick Supplies 2,215.00

Road Thermo King Christensen Supplies 119.30

Gen Thomson Reuters Legal Fees 538.18

Gen Time Warner Cable Internet 382.59

Gen/911 Emerg Trans Union Risk & Alternative Dues 151.50

Gen Turner, Kelly Mileage 29.68

Gen University of Nebraska Equipment 1.383.15

Gen US Foods Supplies 1,770.24

Gen Verizon Telephone 441.23

Road Village of Bradshaw Electricity 16.12

Road Weldon Industries Supplies 27.00

Gen/Road/911 Windstream Communications Telephone 1,492.09

Gen/Road York Ace Hardware Supplies 210.51

Visi Promo York Area Chamber of Commerce Misc. Dues 3,587.27

Area on Age York Area Senior Center May Rent 280.00

Gen/Area York County Clerk Misc. 200.00

Gen York County Court Court Cost 38.00

Visi Prom/Imp York County Development Corp Misc. Dues 897.13

Gen York County District Court Court Cost 990.00

Gen York County Highway Dept Misc. 4,220.82

Gen York County Sheriff Court Cost 415.70

Road York Equipment Equipment 3,750.00

Gen York General Hospital Medical 810.25

Gen York Medical Clinic Medical 107.29

Gen/Road/Visi York News Times Printing/Publishing 1,944.21

Visi Promo York Promotional Products Supplies 3,048.75

Moved by Bulgrin, seconded by Sikes, to approve the new changes and to authorize the chairman to sign the Service Contract Agreement. This agreement is entered into this 1st day of July 2020, by and between the City of Lincoln, Nebraska, a municipal corporation, doing business as Aging Partners Care Management Unit (hereinafter “CMU”) and the County of York, Nebraska, hereinafter referred to as “Contractor”, roll call, yeas; Bulgrin, Sikes, Bamesberger, Grotz and Obermier, nays none, motion carried.

Moved by Sikes, seconded by Bamesberger, to adopt the policy that is listed in the press release numbers 1 thru 6, roll call, yeas; Sikes, Bamesberger, Grotz, Bulgrin and Obermier, nays none, motion carried.

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| **COUNTY SETS POLICY ON FARMING, CONSTRUCTION, AND LITTERING ON COUNTY RIGHT-OF WAY**  County issue notice to offenders: You will be held responsible for encroachments on rights-of-way and ditches.  **York, Nebraska:** The Board of Commissioners for York County Nebraska announced today that they have requested that the Sheriff and County Attorney take steps to enforce state laws that prohibit dumping and littering on the county rights-of-way, and laws that prohibit land owners and tenants from encroaching on county rights-of-way. Among the many violations observed around the state include land owners constructing fencing on rights-of-way; producers farming crops on rights-of-way; producers and owners excavating ditches (a county right-of-way) without permits or oversight; erecting barriers across roads to drain fields and dig wells; owners closing county roads without authorization; and, producers dumping farming biproducts on rights-of-way. According to the Board, York County is not immune to some of these problems. For the most part, we have amazing producers in York County, and a handful have continued to plant crops on county rights-of-way, causing safety issues, added work for the county roads department, and unnecessary costs to the tax payers.  The Board of Commissioners points to Neb. Rev. Stat. §39-301 which provides that anyone obstructing or injuring a county right-of-way “by felling a tree or trees in, upon, or across the same, by placing or leaving any other obstruction thereon, by encroaching upon the same with any fence, by plowing or digging any ditch or other opening thereon, by diverting water onto or across such road so as to saturate, wash, or impair the maintenance, construction, or passability of such public road, or by allowing water to accumulate on the roadway or traveled surface of the road or who leaves the cutting of any hedge thereupon for more than five days shall, upon conviction thereof, be guilty of a Class V misdemeanor.” Additionally, the statute provides for a $3.00 a day charge to the offender for each day the obstruction remains, after its removal being ordered. Additionally, the same law allows the County to recover of the cost of removal or correction, any obstruction or injury to the right-of-way, from the offender. |

As to dumping trash or farm biproducts left on the county’s rights-of way: Neb. Rev. Stat. §28-523 which makes littering on public lands a crime, reads in part, “A person who commits the offense of littering shall be guilty of a Class III misdemeanor (punishable by 0-3 months in jail and up to a $500 fine). A person convicted of the offense of littering for the second time shall be guilty of a Class II misdemeanor (punishable by 0-6 months in and up to a $1000 fine). A person convicted of the offense of littering for the third or a subsequent time shall be guilty of a Class I misdemeanor (0 months - 1 year in jail and up to $1000 fine).” John Lyons, York County Attorney is quoted as saying, “The Littering statute applies to all materials that are specifically not wastes from the primary processes of farming or manufacturing. For those types of biproducts, enforcement of §39-301 and §39-311 would be appropriate.”

Neb. Rev. Stat. §39-311 provides for the prosecution of a class 3 misdemeanor for a first offense of depositing upon any highway (or ditches) “any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway; or . . .burning material.” A second violation of §39-311 is punishable a class 2 misdemeanor, and third or subsequent violation is punishable as a class 1 misdemeanor.

After consultation with the County’s insurance carrier (NIRMA) The Board of Commissioners has adopted a policy for encroachments and violations on the County’s rights-of-way under §39-301 which will include the following procedure:

1. Once a violation is identified in the county, a report will be made by the Roads Department documenting the violation;

2. The Roads Department will send a letter to the landowner explaining the violation, advising the landowner to correct the violation within a required timeframe;

3. It may be necessary, in instances where a ditch has been cleaned illegally, that the owner apply for a permit to correct the violation;

4. If the owner has not remedied the violation within the timeframe, a citation may be issued by the Sheriff, and the case will be referred to the County Attorney for prosecution;

5. The County may take steps to correct the violation (including removing the obstacle, cutting and/or spraying crops, removal of illegally installed drives and culverts, etc.);

6. The County Attorney will issue a letter notifying the owner of the violation and the cost of correcting the violation, which the County Attorney may recover in restitution as part of a prosecution, or in a separate civil action against the landowner.

Nothing in the county’s policy will prohibit the roads department, Sheriff our County Attorney from taking immediate steps to correct a violation that creates a clear danger to the safety of the public, if the condition by their estimate should require such intervention.

The County’s policy for violations of §39-301 do not apply to, nor does it prohibit the Sheriff or any other law enforcement officer from fulfilling their duties while issuing a citation under §28-523 and §39-311.

Questions regarding the release should be directed to the York County Clerk above.

Moved by Bamesberger, seconded by Grotz, to go into executive session at 10:25 a.m., to prevent needless injury to an individual, also present was Dena Bushnell, Deputy District Court Clerk, roll call: yeas; Bamesberger, Grotz, Bulgrin, Sikes and Obermier, nays, none; motion carried.

Moved by Bulgrin, seconded by Grotz, to come out of executive session at 10:32 a.m. which no action was taken; roll call: yeas; Bulgrin, Grotz, Bamesberger, Sikes and Obermier nays, none; motion carried.

**GENERAL ASSISTANCE**

Moved by Grotz, seconded by Sikes, to approve General Assistance Case #21-3, for cremation in the amount of $2,000.00, roll call, yeas; Grotz, Sikes, Bamesberger, Bulgrin and Obermier, nays none, motion carried.

**INTERFUND TRANSFERS:**

There were no Interfund Transfers at this time.

Moved by Sikes, seconded by Bamesberger, to adopt Resolution #21-18 to reappoint Doug Dey to the Veterans Committee Board for a 5-year term, starting July 1, 2021 thru June 30, 2026, roll call, yeas; Sikes, Bamesberger, Grotz, Bulgrin and Obermier, nays none, motion carried.

**RESOLUTION #21-18**

WHEREAS, the Board has been advised by the Veterans Service Committee that Doug Dey term is up, and

WHEREAS, the Board has been advised that Doug Dey is willing to be reappointed for a 5 Year term starting July 1, 2021 through June 30, 2026, and

NOW, THEREFORE BE IT RESOLVED, that Doug Dey is hereby reappointed to the York County Veterans Service Committee from July 1, 2021 thru June 30, 2026.

Dated this 18th day of May, 2021

Moved by Bulgrin, seconded by Grotz, to authorize the Veteran Service Officer, Nick Wollenburg to get bids for concrete, order the granite for the Veterans Plaque, and arrange for the installation of the Veterans Plaque in front of the Courthouse, roll call, yeas; Bulgrin, Grotz, Bamesberger, Sikes and Obermier, nays none, motion carried.

Committee reports were given.

Recess at 11:05 a.m.

Moved by Bulgrin, seconded by Bamesberger, to go into executive session at 11:13 a.m., to prevent needless injury to an individual, also present was Amanda Ring, Deputy County Clerk (Human Resources), Nick Wollenburg, Veterans Service Officer and John Lyons, County Attorney, roll call: yeas; Bulgrin, Bamesberger, Sikes, Grotz and Obermier, nays, none; motion carried.

Moved by Grotz, seconded by Bamesberger, to come out of executive session at 12:12 p.m. which no action was taken; roll call: yeas; Grotz, Bamesberger, Sikes, Bulgrin and Obermier nays, none; motion carried.

**FEE REPORTS (reports were reviewed and placed on file)**

County Clerk, April 2021 $40,666.69

Clerk of the District Court April 2021 $3,971.39

Sheriff, April, 2021 $2,165.94

County Treasurer – Fund Balances as of April 30, 2021

0100 General $2,190,299.01

0300 Roads $229,343.36

0650 Highway Bridge Buy Back Program $453,878.10

0676 Juvenile Diversion $8,566.50

0985 Child Support Enforcement Cty Atty $48,025.13

0990 Visitors Promotion $162,893.52

0995 Co Visitors Impr Fund $234,274.30

1100 Reappraisal $144,457.25

1150 ROD Preservation Fund $20,389.31

1200 Employment Security $29,557.34

1300 Area on Aging $31,206.35

1500 Relief & Medical $20,189.00

1700 State Institutions $28,612.52

1900 Veterans Aid Fund $19,438.32

2200 Busy Wheels $12,045.59

2355 STOP $14,741.11

2360 York Co Drug Fund $53,994.61

2410 Federal Drug Law Enf $231,446.71

2411 Federal Drug Law Cty Att $3,320.86

2601 Debt Service $738,040.02

2700 Inheritance Tax $5,936,596.77

2910 911 Emergency $503,865.18

2913 911 Wireless Serv $36,435.64

2914 911 Wireless Serv Holding $239,850.51

2915 Emergency Mgmt $33,486.79

2940 Law Enforcement/911 Comm $21,065.28

4601 Hwy Allocation Capital Project $7,323,065.12

5502 Ambulance $106,531.62

The Chairman declared the meeting adjourned at 12:13 p.m. The next meeting will be held June 1, 2021 at 8:30 a.m. in the County Commissioners Room, main floor of the Courthouse for the regular meeting.

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Randy Obermier, Chairman Kelly Turner, County Clerk

York County Board of Commissioners York, Nebraska