The York County Board of Commissioners met according to law on Tuesday, May 31, 2022 at 8:30 a.m. as per notice in the York News Times and on the York County Website, on May 26, 2022, with Chairman Randy Obermier, presiding, with Daniel Grotz, Jack Sikes, Kurt Bulgrin and Bill Bamesberger. Also, present at the meeting was Kelly Turner, York County Clerk and Melanie Wilkinson, correspondent with 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.

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 17, 2022, Board of Commissioners meeting; roll call: yeas; Grotz, Sikes, Bamesberger, Bulgrin and Obermier, nays, none; motion carried.

Moved by Bulgrin, seconded by Bamesberger, to adopt the agenda for Tuesday May 31, 2022, roll call: yeas; Bulgrin, Bamesberger, Sikes, Grotz and Obermier; nays none, motion carried.

Moved by Bamesberger, seconded by Grotz, to authorize the chairman to sign the Problem-Solving Court Interlocal Agreement Providing Personnel and Services for District 5 Adult Drug Court, with York County and Seward County, roll call, yeas; Bamesberger, Grotz, Bulgrin, Sikes and Obermier, nays none, motion carried.

Moved by Bulgrin, seconded by Bamesberger, to go into executive session at 8:36 a.m., for legal advice, also present was Erin Ebeler Rolf, with Woods and Aitken, 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 9:09 a.m. which no action was taken; roll call: yeas; Grotz, Bamesberger, Sikes, Bulgrin and Obermier nays, none; motion carried.

The Board took a 5-minute recess.

Commissioner Obermier read the following statement.

Prior to the vote relating to Mr. Lyons’ continued appointment as the York County Attorney, we want to outline some of the past history of events that led us to today. On August 25, 2021, a Hearing Notice was issued to Mr. Lyons relating to the potential termination of his employment. While the hearing was initially set for September 7, 2021, at 11 am, it was postponed by the agreement of the parties until, September 15, 2021 at 11 am. Mr. Lyons requested that the September 15, 2021 hearing be held in open session, and the Board planned to offer Mr. Lyons the opportunity to respond to the allegations against him, which Mr. Lyons knew. However, at approximately 10 a.m. on September 15th, Mr. Lyons’ attorney contacted the attorneys for the Board and informed them for the first time that Mr. Lyons did not plan to participate in the hearing. Rather, the attorney asked that his letter be considered Mr. Lyons’ submission with regard to the hearing. The Board considered the letter submitted together with the other information and evidence it had gathered. However, a vote on that matter was not held on September 15. Rather, given the seriousness of the matter, the Board intended to consider and review the information presented by Mr. Lyons and hold its vote at a later meeting of the Board on September 21, 2021, at which all members would have been able to be physically present.

As set forth more fully in the hearing notice, Mr. Lyons has been informed for moths that he may be terminated from his job as the County Attorney for York County for the reasons set forth in that notice. Generally speaking, those reasons included that Mr. Lyons signed a contract with Clay County to serve as its Interim County Attorney for at least six months, but renewable at 12-month intervals. The Clay County contract was signed by Mr. Lyons on July 28, 2021, the day after the York County Board of Commissioners unanimously declined to allow Mr. Lyons to devote less than his full time to the legal work of York County.

Mr. Lyons’ actions in entering the Clay County contract appear to have violated his agreement with York County to serve as its County Attorney. Specifically, prior to Mr. Lyons’ appointment to the position of York County Attorney on Dec. 31, 2019:

* The Board made clear to Mr. Lyons that he would be required to devote his full-time to the legal work of York County, and he acknowledged that he understood that expectation prior to being appointed to the York County Attorney position.
* This agreement was in accordance with Resolution #17-45 which was passed by the Board on December 5, 2017, which set the salaries of elected officials for 2019, 2020, 2021, and 2022 and also stated that the Board required the County Attorney position to remain a full-time position with no private practice allowed except as authorized by the Board of Commissioners.
* Resolution #17-45 was passed in accordance with Nebraska Revised Statutory Section 23­1206.01, which specifically allows counties such as York County to adopt a resolution specifying that the county attorney shall devote his or her full time to the legal work of the county and not engage in the private practice of law directly or indirectly. . . .

Prior to the vote taking place, John Lyons obtained an injunction stopping the vote scheduled for September 2021. However, on Friday, May 27, 2022, the United States federal court vacated that injunction and also dismissed all of Mr. Lyons’ claims against the Board. As such, we are now ready to move forward on the vote to terminate Mr. Lyons’ employment effective immediately.

Moved by Bulgrin, seconded by Grotz, to terminate the employment of John Lyons, as York County Attorney, effective immediately roll call, yeas; Bulgrin Grotz, Bamesberger, Sikes and Obermier, nays none, motion carried.

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

Tanya Crawford, Extension Director, introduces her new office manager, Megan Boyd, and gave updates on the Extensions Summer Programs.

Jim Jackson, spoke with the Board.

Elizabeth Hein, CASA director, spoke with the board with updates and budget.

Willard Peterson, spoke with the Board about the American Rescue Funds.

Orville Stuhr, spoke with the Board about the American Rescue Funds.

Moved by Sikes, seconded by Bamesberger, to adopt a Resolution to pay up to $4,000.00, of the American Rescue Funds, to the employee’s that worked at the time of COVID shutdown, roll call, yeas; Sikes and Bamesberger, nays Grotz, Bulgrin and Obermier, motion failed.

**GENERAL ASSISTANCE**

There were no General Assistance at this time.

**PAYROLL AND VENDOR CLAIMS:**

Moved by Bulgrin, seconded by Grotz, to approve the payroll in the amount of $207,845.03 and vendor claims, roll call: yeas; Bulgrin, Grotz, Bamesberger, Sikes and Obermier, nays; none; motion carried

**Fund Name Description Total**

Gen Advanced Correctional Healthcare Medical 32.64

Road Aurora Coop Supplies 32,594.00

Gen Bellis, Julie Court Cost 94.50

Gen Blue Knight Security Security 1,152.00

Gen Bredenkamp, Patricia Retirement 10.00

Gen/911 Emery Capital Business Systems Equipment 691.95

Gen/Road City of York Water/Sewer 3,225.90

Road City of York- Solid Waste Agency Misc. 1,142.19

Ambulance City of York Dues 79,750.00

Gen Clerk of District Court Court Cost 4.50

Gen Columbus Community Hospital Medical 845.35

Gen Consolidated Management Supplies 38.04

Gen Cornerstone Bank Bizconnect Dues 45.00

Gen Creative Product Source Equipment 369.53

Com block Critel Enterprises Misc. 5,630.37

Gen Cuda, Sharon Retirement 10.00

Gen Culligan Supplies 18.00

Inher Tax Dans Construction Misc. 89,640.00

Gen Diamond Drugs Medical 796.33

Gen Eakes Supplies 4,530.63

Gen Election Workers May 10 Primary 7,065.01

Road Gales Welding Equipment & Repair 6,383.79

Gen Global Tech Maintenance 595.00

Gen/Road Great Plains Pest Management Maintenance 351.00

Road Greckel Construction Misc. 5,787.62

Gen Hall County Court Court Cost 2.50

Gen Hamilton Clerk of The County Court Court Cost 2.25

Gen HD Arms Supplies 1,520.20

Gen Helena Agri-Enterprises Supplies 9,925.00

Gen Hitz Towing Service 710.63

Gen Home Depot Supplies 282.18

Gen Hometown Leasing Equipment 160.84

Road Husker Steel Supplies 7,470.00

Gen Hy-Tec Auto Service Service 1,430.03

Gen Interstate Welding Equipment 1,000.00

Gen J & R Heating Service 467.00

Gen Jackson Services Service 67.67

Road Johnson Sand & Gravel Gravel 26,331.09

Road Kliewer Oil Misc. 505.17

Gen Levanders of York Service 250.00

Gen Lincoln Journal Star Printing/Publishing 3,446.03

Road Logan Contractors Equipment 15,701.41

Road Mac Tools Supplies 41.99

HWY Allo Mainelli Wagner & Associates Misc. 9,382.50

Gen MMSGS Medical 81.42

Gen/Road Medical Enterprises Medical 105.00

Gen Mid-American Benefits Misc. 524.00

Gen Midwest Auto Parts of York Supplies 129.45

Road Midwest Petroleum Equipment Supplies 56.89

Com Block MIT Contracting Misc. 14,448.00

Gen Nance County Court Court Cost 65.40

Gen Ne Assoc of County Treasurers Training Dues 150.00

Gen Ne Assoc of County Officials Dues 2,730.03

Gen Ne Assoc of County Clerks Training Dues 125.00

Gen Ne Dept of Health & Human Services Misc. 54.00

Gen Ne Emergency Medicine Medical 1,448.00

Gen Ne Commission on Law Enforcement Dues 360.00

Gen NPPD Electricity 3,330.34

Gen Ne Weed Control Training Dues 120.00

911 Emerg Nemaha County Sheriff’s Office Misc. 532.86

Gen Newmyer, Mariah Mileage 162.96

Gen North Printing & Office Supply Supplies 21.50

Road Orkin Service 487.00

Gen/Road Perennial Public Power District Electricity 405.27

Gen Platte County Detention Center Housing Fees 6,700.00

Gen Platte County District Court Court Cost 24.50

Gen Rasmussen Mechanical Services Service 277.20

Gen Redfield Direct Supplies 1,495.46

Gen Rees, Jenny Postal Services 19.15

Gen Reetz, Melvin Retirement 12.00

State Inst Region V Systems Misc. 1,070.00

Com Block Rooforia Misc. 6,994.00

Road Safety Kleen Systems Supplies 392.91

Gen Sarpy County Sheriff Dept Court Cost 20.83

Gen Skips Automotive Service/Parts 102.45

Gen/911 Emerg State of Nebraska Misc. 1,314.99

Gen Ne State Patrol Misc. 912.00

Com Block SENDD Misc. 2,932.19

Gen Sysco Lincoln Supplies 3,881.57

Gen US Foods Supplies 180.00

Road Verizon Service 168.50

Road Vontz Paving Gravel 25,717.50

Gen/Road/911 Windstream Service 2,460.43

Gen Woods & Aitken Misc. 1,385.50

Gen York Ace Hardware Supplies 22.93

Gen York Animal Clinic Misc. 69.92

Gen York Boot n Repair Misc. 25.00

Gen York County Court Court Cost 3.839.87

Gen York County Sheriff Court Cost 197.60

Gen York County Treasurer Transfers 262,320.22

Gen York Dental Assoc. Medical 621.00

Gen York General Hospital Medical 911.20

**INTERFUND TRANSFERS:**

There were no Interfund Transfers at this time.

Carrie Rodriquez, Chief Probation Officer, District 5 Probation met with the Board with updates and budget request.

Moved by Bulgrin, seconded by Grotz, to adopt Resolution #22-16, to transfer $25,000.00 out of (0100) General Fund to (1100) Reappraisal Fund & Transfer out $2,000.00 (0100) General Fund to (1900) Veteran’s Aid Fund &Transfer $5,443.00 out (0100) General Fund to(1200) Employment Security Act Fund & Transfer $10,451.00 out (0100) General Fund to (1500) County Relief and Medical & Transfer out $15,585.00 (0100) General Fund to (1700) State Institution Fund & Transfer $25,255.00 out (0100) General Fund to (2915) Emergency Management Fund & Transfer $3,400.00 out (985) Child Support/Co Attorney Fund to (0100) General Fund, roll call, yeas; Bulgrin, Grotz, Bamesberger, Sikes and Obermier, nays none, motion carried.

**RESOLUTION #22-16**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 31st day of May 2022, to discuss the fact that the following transfers have been budgeted and needs to be disburse,

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Commissioners that the York County Treasurer shall transfer the following.

 Transfer in Transfer out

 Fund #0100 General Fund $25.000.00

Fund #1100 Reappraisal Fund $25,000.00

 Fund #0100 General Fund $2,000.00

 Fund #1900 Veteran’s Aid Fund $2,000.00

 Fund #0100 General Fund $5,443.00

 Fund 1200 Employment Security Act Fund $5,443.00

 Fund #0100 General Fund $10,451.00

 Fund #1500 County Relief and Medical $10,451.00

 Fund #0100 General Fund $15,585.00

 Fund #1700 State Institution Fund $15,585.00

 Fund #0100 General Fund $25,255.00

 Fund #2915 Emergency Management Fund $25,255.00

 Fund #985 Child Support/Co Attorney Fund $3,400.00

 Fund #0100 General Fund $3,400.00

Dated this 31st day of May, 2022

Moved by Bamesberger, seconded by Grotz, to approve Drawdown #2, for the Owner Occupied Rehab Program, in the amount of $30,004.56. roll call, yeas; Bamesberger, Grotz, Bulgrin, Sikes and Obermier, nays none, motion carried.

The board discussed suggestions for East 4th street from Maine Ave to Road N.

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

County Clerk, April, 2022 $34,899.25

Sheriff, April, 2022 $2,246.34

County Treasurer – Fund Balances as of April, 31, 2022

0100 General $1,918,254.77

0300 Roads $275,863.67

0650 Highway Bridge Buy Back Program $369,437.07

0676 Juvenile Diversion $4,048.49

0985 Child Support Enforcement Cty Atty $33,782.92

0990 Visitors Promotion $262,917.90

0995 Co Visitors Impr Fund $180,897.64

1100 Reappraisal $169,457.25

1150 ROD Preservation Fund $30,308.60

1200 Employment Security $29,769.94

1300 Area on Aging $16,279.59

1500 Relief & Medical $9,805.04

1700 State Institutions $6,666.40

1900 Veterans Aid Fund $20,495.32

2200 Busy Wheels $13,845.59

2355 STOP $6,434.44

2360 York Co Drug Fund $70,511.84

2390 Drug Court $1,023.40

2410 Federal Drug Law Enf $224,299.12

2411 Federal Drug Law Cty Att $422.64

2580 American Rescue Plan (COVID) $1,328,505.46

2601 Debt Service $4,211.91

2605 Comm Dev Blk Grant $3,000.00

2700 Inheritance Tax $6,657,968.33

2910 911 Emergency $294,801.45

2913 911 Wireless Serv $35,751.27

2914 911 Wireless Serv Holding $216,742.51

2915 Emergency Mgmt $6,539.14

2940 Law Enforcement/911 Comm $62.18

2960 Law Enforcement Operator/Sheriff $4,850.69

3700 Hwy Allocation Project Fund $763,764.48

4601 Hwy Allocation Capital Project $3,377,278.10

5502 Ambulance $137,032.32

Committee reports were given.

Moved by Bulgrin, seconded by Bamesberger, to go into executive session at 10:52 a.m., to prevent needless injury to an individual, also present was Lori Byers, Transportation Director, roll call: yeas; Bulgrin, Bamesberger, Sikes, Grotz and Obermier, nays, none; motion carried.

Moved by Bamesberger, seconded by Sikes, to come out of executive session at 11:13 a.m. which no action was taken; roll call: yeas; Bamesberger, Sikes, Grotz, Bulgrin and Obermier nays, none; motion carried.

The Chairman declared the meeting adjourned at 11:14 a.m. The next meeting will be held June 14, 2022 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