

The York County Board of Commissioners met according to law on January 11, 2011 at 9:35 a.m. as per notice in the York News Times on January 6, 2011, for purposes of reorganization with County Clerk, Cynthia D. Heine presiding. Answering roll call were: Commissioner District #1, Paul Buller; Commissioner District #2, Kurt Bulgrin; Commissioner District #3, Bill Bamesberger; Commissioner District #4, Tom Shellington and Commissioner District #5, Pat Bredenkamp. Also present were Melanie Wilkinson, correspondent for the York News Times and Sharilyn Ramsey, Clerk of the District Court.

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.

Heine called the meeting to order and 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.

Heine asked for nominations from the floor for temporary Board Chairman. Shellington nominated Pat Bredenkamp with Bamesberger seconding it.

Moved by Bulgrin, seconded by Shellington that nominations close and that a unanimous ballot be cast for Pat Bredenkamp for temporary chairman of the York County Board of Commissioners; roll call: yeas, Bulgrin, Shellington, Bamesberger and Buller; nays, none; Bredenkamp abstained; motion carried.

Temporary Chairman Bredenkamp asked for nomination from the floor for Chairman.

Shellington nominated Pat Bredenkamp for Chairman, Bamesberger seconded it. Bredenkamp nominated Kurt Bulgrin as Chairman. There being no further nominations, the Board voted by secret ballot.

Bredenkamp received two (2) votes and Bulgrin received three (3) votes. Commissioner Kurt Bulgrin is elected the County Board Chairman for 2011.

The next order of business was the election of the Vice Chairman.

Bamesberger nominated Bredenkamp and Buller seconded it. Shellington moved and Bamesberger seconded it that nominations cease; roll call: yeas, Shellington, Bamesberger, Buller and Bulgrin; nays, none; Bredenkamp abstained; motion carried.

Moved by Shellington, seconded by Buller to approve the minutes of the December 28, 2010 Board of Commissioners meeting; roll call: yeas, Shellington, Buller, Bamesberger and Bulgrin; nays, none; Bredenkamp abstained; motion carried.

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

Under General Assistance, an application was made for payment of a county burial.

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

Payroll and vendor claims were reviewed.

Moved by Bamesberger, seconded by Bredenkamp to approve payroll in the amount of \$122,502.27 and vendor claims; roll call: yeas, Bamesberger, Bredenkamp, Buller, Shellington and Bulgrin; nays, none; motion carried.

| <b>Fund</b>                 | <b>Name</b>                        | <b>Description</b> | <b>Total</b> |
|-----------------------------|------------------------------------|--------------------|--------------|
| Rd                          | Ace Irrigation and Mfg             | Culverts           | 324.00       |
| Aging                       | Bag N Save                         | Food               | 776.34       |
| Gen, Rd                     | Black Hills Energy                 | Heating Fuel       | 4,136.78     |
| Gen                         | Blue Knight Security, Inc          | Security Contract  | 756.00       |
| Rd                          | Car Parts, Inc                     | Equip              | 247.78       |
| Aging                       | Cash-Wa Distributing, Co           | Food               | 222.29       |
| Rd                          | Century House Chiropractic, Inc    | Safety Equip       | 90.00        |
| Rd                          | Ila Chapman                        | Uniform            | 50.00        |
| Gen                         | Teresa Contatore                   | Mileage            | 38.00        |
| Rd                          | Cornhusker Cleaning System, Inc    | Shop Supplies      | 40.31        |
| Weed                        | Crop Production Services           | Weed Control       | 170.71       |
| Gen, Aging,<br>Visitor Prom |                                    |                    |              |
| Weed                        | Eakes Office Plus                  | Office Supplies    | 564.40       |
| Gen                         | Lincoln P Street Catering          | Lodging            | 262.00       |
| Rd                          | Farmers Cooperative                | Equip              | 32.00        |
| Rd                          | Fastenal Industrial & Const Supply | Equip              | 43.25        |
| Gen                         | Fillman Law Offices                | Court Cost         | 660.00       |
| Gen                         | First Concord Benefits Group, LLC  | Insurance          | 1,168.62     |
| Rd                          | Flail Master                       | Grader Blades      | 48.20        |
| Gen                         | Galls, An Aramark Co               | Vehicle            | 549.99       |
| Gen, Aging                  | Grand Central Foods                | Supplies           | 107.89       |
| Rd                          | Grones Outdoor Power               | Equip, Supplies    | 629.49       |

|                   |                                      |                         |           |
|-------------------|--------------------------------------|-------------------------|-----------|
| Gen               | Hall County Court, District Nine     | Court Cost              | 3.25      |
| Aging             | Carolyn Hambleton                    | Mileage                 | 16.00     |
| Rd                | Hansen International Truck, Inc      | Equip                   | 28.46     |
| Aging             | Kay Hilderbrand                      | Mileage                 | 70.50     |
| Rd                | Holiday Inn Lincoln-Downtown         | Lodging                 | 525.00    |
| Gen               | Hometown Leasing                     | Equip Rental            | 1,512.74  |
| Gen               | Jeanne Huff                          | Bailiff                 | 35.00     |
| Gen               | Hy-Tec Auto Service                  | Equip                   | 311.07    |
| Gen               | J & R Heating & A/C, Inc             | Maint, Supplies         | 124.21    |
| Gen               | Jackson Services, Inc                | Supplies                | 42.50     |
| Gen               | James Publishing                     | Office Supplies         | 106.98    |
| Gen               | Kopchos Sanitation, Inc              | Garbage                 | 140.00    |
| Gen               | Jennifer Stehlik Ladman              | Special Fees            | 770.75    |
| Gen               | Lancaster County Court               | Court Cost              | 3.50      |
| Rd                | Lawson Products                      | Shop Supplies           | 73.36     |
| Rd                | Linweld, Inc                         | Equip, Supplies         | 436.10    |
| Rd                | Lyle Signs, Inc                      | Signs & Post            | 79.40     |
| Gen, Rd           | Mead Lumber & Rental                 | Equip Repair, Supplies  | 124.25    |
| Co Relief         | Metz Mortuary                        | Burial                  | 1,650.00  |
| Gen               | Mid America Research Chemical        | Janitorial Supplies     | 330.95    |
| Gen               | MIPS, Inc                            | Office Supplies         | 690.19    |
| Gen               | Mogul's Transmission, Inc            | Equip                   | 1,501.98  |
| Gen               | Nebraska Assoc. of County Clerks     | Dues                    | 75.00     |
| Gen               | Nebraska Assoc. of County Officials  | Dues                    | 140.00    |
| Visitor Prom      | Nebraska Life                        | Printing & Publishing   | 225.00    |
| Gen, Rd           | Nebraska Public Power District       | Electricity             | 2,748.26  |
| Gen               | Nebraska Sheriffs' Assoc.            | Dues                    | 270.00    |
| Rd                | Nebraska Truck & Equipment Co, Inc   | Equip Repair            | 26.51     |
| Weed              | Nebraska Weed Control                | Dues                    | 125.00    |
| Rd                | NMC Exchange, LLC                    | Equip Repair            | 69.25     |
| Aging             | Anita Norquest                       | Mileage                 | 42.50     |
| Gen               | North Office Supplies                | Office Supplies         | 209.13    |
| Rd                | O'Reilly Auto Parts                  | Supplies                | 25.98     |
| Rd                | Orscheln                             | Equip                   | 41.94     |
| Rd                | Bill Payne                           | Uniform                 | 50.00     |
| Rd                | Penner's Tire & Auto, Inc            | Equip Tire              | 41.33     |
| Rd                | Perennial Public Power District      | Electricity             | 78.05     |
| Gen               | Pieper Plumbing & Well Drilling, Inc | Parts                   | 25.50     |
| Gen               | Polk County Sheriff                  | Court Cost              | 25.42     |
| Rd                | Power Plan                           | Equip Repair            | 2,881.14  |
| Gen               | Radiology Assoc. PC                  | Medical                 | 156.00    |
| Rd                | Rasmussen Auto Parts                 | Equip Repair            | 10.77     |
| Gen               | Region V Services                    | Quarterly Participation | 6,496.00  |
| Gen               | Ronco Plumbing                       | Repair, Parts           | 1,815.81  |
| Gen               | Roy's Window Service, Inc            | Cleaning                | 195.00    |
| Rd                | Sahling Kenworth, Inc                | Equip Repair            | 21.04     |
| Stop              | Salmon Auto Parts                    | Equip                   | 850.00    |
| Gen               | Don Sandman                          | Meals, Mileage          | 268.86    |
| Visitor Prom      | Bob Sautter                          | Mileage, Supplies       | 27.89     |
| Gen               | Joe Yocum                            | Court Cost              | 27.20     |
| Rd                | Snap on Tools                        | Supplies                | 35.05     |
| Gen               | DAS Central Finance/DAS Comm         | Equip Rental            | 448.00    |
| Gen               | State of Ne/Ne Public Health Envi    | Testing                 | 7.17      |
| Gen               | Svehla Law Offices                   | Court Cost              | 1,424.00  |
| Gen               | Time Warner Cable                    | Dues                    | 73.54     |
| Visitor Prom      | USA Outdoor II, LLC                  | Media                   | 360.00    |
| Gen, Rd           | Verizon Wireless Services, LLC       | Telephone               | 263.52    |
| Rd                | Village of Bradshaw                  | Electricity             | 9.30      |
| Gen               | Karen Wahlmeier                      | Misc                    | 20.37     |
| Rd                | WAW Construction, Inc                | Bridge Repair           | 63,654.05 |
| Gen               | West Payment Center                  | Office Supplies         | 190.50    |
| Gen, Rd           | Windstream Communications            | Telephone               | 1,036.12  |
| Visitor Prom      | Burst, LLC                           | Office Supplies         | 93.98     |
| Gen               | York County Court                    | Court Cost              | 981.50    |
| Visitor Prom      | York County Development Corp         | Misc                    | 6,766.30  |
| Gen               | York County District Court           | Court Cost              | 771.40    |
| Gen, Weed         | York County Highway Dept             | Equip                   | 937.98    |
| Gen               | York County Sheriff                  | Misc                    | 1,570.65  |
| Rd                | York Equipment, Inc                  | Equip Rental            | 6,636.74  |
| Gen               | York General Hospital                | Medical                 | 466.40    |
| Gen, Visitor Prom |                                      |                         |           |
| Aging             | York News Times                      | Printing & Publishing   | 864.45    |
| Gen               | York Printing Co, LLC                | Office Supplies         | 74.92     |
| Aging             | York Wholesale Co                    | Program Supplies        | 70.95     |
| Gen               | Jury Duty                            | Jury Duty               | 1,656.10  |

Annually, the county contacts the banks within the city/county to determine who would like to be named as a copy

depositories.

Moved by Bredenkamp, seconded by Buller to adopt Resolution #11-01 naming the county depositories for the calendar year of 2011; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-01**

**BE IT RESOLVED** by the Board of Commissioners of York County, Nebraska, that during the year 2011, 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, Nebraska  
Midwest 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 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, 2011, 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 11<sup>th</sup> day of January, 2011.

Deputy County Attorney, Candace Dick requested that the matter of amending the County Handbook be tabled as the County Attorney needed further time to research the matter.

Moved by Shellington, seconded by Buller to table action on the handbook changes of comp time and lunch breaks; roll call: yeas, Shellington, Buller, Bredenkamp, Bamesberger and Bulgrin; nays, none; motion carried.

Annually, the Board must designate a newspaper which would be used for purposes of the county's public notices.

Moved by Shellington, seconded by Bamesberger to use the York News-Times as the county newspaper; roll call: yeas, Shellington, Bamesberger, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

The County Road fund is partially funded by way of interfund transfers from the General Fund, therefore, it is necessary to determine what percentage of the property taxes are to be transferred over to the Road Fund for budget purposes.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #11-02 setting the percentage of General Fund be transferred to the Road Fund; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-02**

WHEREAS, the York County Board of Commissioners at its regular meeting on January 11, 2011, discussed the fact that on September 10, 2010, the proposed budget statement for the County Road Fund was adopted, such total budget being in the sum of \$3,770,211.56. There are funds to be transferred from the County General Fund to the County Road Fund in the approximate amount of \$1,691,007.00; and

WHEREAS, the amount of revenue to be generated from Property Taxes is set at \$4,079,730.00;

NOW BE IT RESOLVED, that the York County Treasurer shall transfer 41.449% of the 2010 taxes collected for the County General Fund to the County Road Fund as per the adopted budget.

DATED this 11th day of January, 2011.

SENDD, Southeast Nebraska Development District, the administrator for the courthouse boiler replacement, drafted the bid document. At this time the Board needs to approve the bid document and set a bid date.

Moved by Bredenkamp, seconded by Buller to accept the boiler bid package and set the bid date for the courthouse boiler to February 22, 2011 at 10:30 a.m.; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Annually, the county must set the fee for the 911 surcharge. Previously it was set at \$1.00.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution #11-03 to set the 911 surcharge at \$1.00; roll call: yeas, Bredenkamp, Shellington, Bamesberger, Buller and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-03**

**WHEREAS**, the York County Board of Commissioners recognizes that it is necessary to continue to raise revenue to fund development of the Countywide Emergency Communication System which System shall provide countywide operation of enhanced 911 services; and

**WHEREAS**, the York County Board of Commissioners adopted Resolution #44 on August 30, 1994, which authorized the imposition of a surcharge for the purpose of raising revenue to fund the development of a Countywide Emergency Communication system in an amount not to exceed 50 cents per month on each local exchange access line physically terminating in the York County Service area; and

**WHEREAS**, the York County Board of Commissioners adopted Resolution #41 on the 30<sup>th</sup> day of August 2005, authorizing an additional surcharge of 50 cents per month for each local access line physically terminating in the York County Service area; and

**WHEREAS**, the initial 50 cents surcharge as enacted in 1994 plus the supplemental surcharge enacted in 2005 resulted in a total annual surcharge of \$1.00 per month for each local access line physically terminating in York County Service area;

**NOW, THEREFORE, BE IT RESOLVED** that the surcharge previously imposed by Resolution #44 of 50 cents per month for each local access line physically terminating in the York County Service area and the additional 50 cents per month surcharge for each local exchange access line physically terminating in the York County Service area shall continue to be in effect and collected until January 1, 2012.

Dated this 11<sup>th</sup> day of January, 2011.

Committee reports were given.

Julie Johnson, Juvenile Diversion Coordinator requested that the Board approve the 2011 State-County Aid Juvenile Justice Grant Application which is funded by the Crime Commission and the County. The total amount of the project is \$19,130.00 of which the Counties in kind money is \$5,466.00. This program is designed for Juvenile offenders under 18 at the time of the offense who have committed a nonviolent misdemeanor offense in York County and must agree to participate. If completed successfully, the case is then closed.

Moved by Bamesberger, seconded by Buller to approve the Juvenile Diversion Grant Request and authorize the Chairman to sign the document; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

At the December 28<sup>th</sup> Board meeting, Bulgrin made a motion and Bergen seconded it to adopt a resolution appointing Rex Heiden as the York County Surveyor. At this time, Commissioner Bulgrin withdraws his motion as it was determined that more discussion needed to be had in order to make the decision.

Moved by Shellington, seconded by Bamesberger to adopt Resolution #11-04 (Surveyor Agreement) that the County continue it's association with Rex Heiden and that he corrects whatever Mrs. Heine is concerned about within sixty (60) days (access to the Clerk's office is at the discretion of the Clerk); roll call: yeas, Shellington, Bamesberger, Bredenkamp, Buller and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-04**

#### **SURVEYOR AGREEMENT York County Board of Commissioners Appointment as York County Surveyor**

THIS AGREEMENT, made and entered into this 11<sup>TH</sup> day of January, 2011 by and between the York County Board of Commissioners of York County, Nebraska hereinafter referred to as "COUNTY" and the Individual/Business Name and Address of Company, Rex Heiden 402 Strickler Street Waco, NE 68460 hereinafter referred to as "SURVEYOR".

WHEREAS, the office of County Surveyor in York County is presently vacant, and

WHEREAS, the County desires to fill this vacancy with a Registered Land Surveyor duly registered under Sections 81-8,108 to 81-8,127 of the Nebraska Revised Statutes to practice land surveying in the State of Nebraska, and

WHEREAS, Surveyor is a Registered Land Surveyor, assigned registration certificate number 361 by the Nebraska Board of Examiners for Land Surveyors and has the qualifications and experience required for the office of York County Land Surveyor.

NOW, THEREFORE, the parties hereto, for the consideration hereinafter set forth, mutually agree as follows:

1. General Description of Job. The Surveyor shall furnish all surveying tools and equipment and qualified survey personnel for all surveys made in York County, Nebraska. Surveyor shall make the surveys in accordance with Sections 81-8,108 to 81-8,127 of the Nebraska Revised Statutes. The Surveyor shall perform all duties and obligations as set forth in Nebraska Revised Statutes, Section 23-1901 through Section 23-1913 and all other duties and obligations as required by Nebraska law.

2. Term of Contract. The Surveyor shall be appointed as York County Surveyor from the date of signing of this agreement for the four-year term which shall include 2011, 2012, 2013 and 2014 and shall be the only person so appointed by the County during that period of time.

3. Fees and Payment. The Surveyor shall receive no monthly salary from the County and hereby waives all right, title and interest to any salary previously set by the County and shall only be paid on a per diem basis as set forth below. All surveys will be made by personnel employed by Surveyor and he/she shall be responsible for all surveys and personnel. All survey record updates of irregular tracts will be made by personnel employed by the surveyor with the approval of the York County Board at a wage authorized by such County Board.

a. Surveys requested by the County shall be completed within a reasonable time after request is received. The fees for the services shall be computed on a per diem basis and based on an eight hour day and fractions thereof and also depending on the number of personnel and type of work to be performed, the scale being as follows:

|   |  |
|---|--|
| Research  |  |
| \$240.00 pr day or \$30.00 pr hr without a key for evening access to records or |  |
| \$96.00 pr day or \$12.00 pr hr with a key for evening access                   |  |
| One person (licensed surveyor)  | \$400.00 pr day or \$50.00 pr hr   |
| Two person crew   | \$520.00 pr day or \$65.00 pr hr   |
| Computer aided drafting and filing survey                                       | \$136.00 pr day or \$17.00 pr hr   |
| Monumentation materials   | At cost pricing for brass caps, steel pipe, and magnetic memorials as needed |
| Mileage   | \$0.50 per mile or the county's rate   |

All tools, equipment and material required to complete the surveys and drafting thereof are to be furnished by the Surveyor. Transportation shall be furnished by the Surveyor and the County will reimburse at the rate as set by the State of Nebraska. Additional expenses including abstracting fees, crop damage and monumentation materials as required by law are the responsibility of the Surveyor and shall be reimbursable by the County.

The County shall not be responsible for the payment of any surveys that have not been authorized by themselves or their appointed representatives. **(Written authorization by the County or its representative is mandatory prior to initiating surveys)**

This agreement does not preclude the Surveyor from performing surveys in private practice within York County and the right to retain fees for those surveys.

Surveyor shall receive no other benefits such as pension plans, health insurance or any other fringe benefits from the County nor shall any of his/her employees receive such benefits. All employees of Surveyor shall be his/her responsibility and the County shall have no contractual relationship with said employees or have any obligation therewith, except as heretofore provided for survey record updates of irregular tracts located in the Register of Deeds office.

Surveyor is an independent contractor for all income tax purposes, and shall be responsible for paying any and all appropriate income taxes, including employee/employer income taxes on behalf of Surveyor and Surveyor's employees.

4. Change of Plan and Termination. The County reserves the right to terminate this agreement due to failure of the Surveyor to maintain his qualifications as a Registered Land Surveyor or failure to complete the work requested in a reasonable time and in the required manner. The County will advise the surveyor of their desire to terminate this agreement and permit the Surveyor to offer reasonable explanation for any failure in his/her performance before a final decision is made.

Surveyor may terminate this agreement thirty (30) days subsequent to the submittal of a written request for resignation, if required to perform his work in a manner that would jeopardize his professional standing as a land surveyor, or if the County permits surveys by other surveyors.

5. Conflict of Interest. County agrees that upon a conflict of interest arising between Surveyor and County on a specific job, County may then appoint another Registered Land Surveyor to perform the specific job due to such conflict of interest.

IN WITNESS THEREOF, the County appoints the Surveyor as York County Surveyor from the date of signing through December 2014. The Surveyor shall assume the responsibilities of York County Surveyor subject to the conditions described above.

Executed by "Surveyor" this 11<sup>th</sup> day of January, 2011

Executed by "County" this 11<sup>th</sup> day of January, 2011

SS: Kurt Bulgrin, For the County

SS: Rex Heiden, Surveyor

Sharilyn Ramsey, Clerk of the District Court and Cynthia D. Heine, County Clerk submitted their December fee reports in the respective amounts of \$1,891.75 and \$37,800.31. The reports were reviewed and placed on file.

Dale Radcliff, Sheriff submitted his November fee report in the amount of \$2,982.60. The report was reviewed and placed on file.

Treasurer Brenda Scavo submitted the December Fund Balances.

The Chairman declared the meeting adjourned at 11:10 a.m. The next meeting will be January 25, 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.

York County Board of Commissioners

York, Nebraska