

The York County Board of Commissioners met according to law on September 6, 2011 at 9:37 a.m. as per notice in the York News Times on September 1, 2011, with Chairman Kurt Bulgrin presiding, with Pat Bredekamp, Bill Bamesberger, Paul Buller and Tom Shellington.

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.

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 Bredekamp to approve the minutes of the August 23 and August 30, 2011 Board of Commissioners meeting; roll call: yeas, Shellington, Bredekamp, Bamesberger, Buller, and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Buller to adopt the agenda for Tuesday, September 6, 2011 as presented; roll call: yeas, Bamesberger, Buller, Bredekamp, Shellington and Bulgrin; nays, none; motion carried.

The Board reviewed a General Assistance case.

Moved by Bamesberger, seconded by Buller to approve General Assistance Case #11-30 for utilities payable to Nebraska Public Power District in the amount of \$380.00; roll call: yeas, Bamesberger, Buller, Bredekamp, Shellington and Bulgrin; nays, none; motion carried.

Moved by Bredekamp, seconded by Buller to deny General Assistance Case #11-31 as applicant's income exceeds the income guidelines; roll call: yeas, Bredekamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Moved by Buller, seconded by Bredekamp to approve General Assistance Case #11-32 for utilities payable to Nebraska Public Power District in the amount of \$380.00; roll call: yeas, Buller, Bredekamp, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Funding transfers were reviewed.

Moved by Bredekamp, seconded by Buller to adopt Resolution #11-59 to transfer \$2,000. from the County General Fund to the Noxious Weed Fund; roll call: yeas, Bredekamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-59**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 6th day of September 2011, and discussed the fact that in the proposed budget for 2011-2012, the Noxious Weed Fund would be funded by way of interfund transfers from the County General Fund; and

WHEREAS, at this time it is necessary to transfer proposed budgeted funds in order to meet obligations in the amount of \$2,000.

NOW BE IT RESOLVED, that the York County Treasurer shall transfer the sum of \$2,000.00 budgeted dollars from the County General Fund to the Noxious Weed Fund for the budget year of 2011-2012.

Dated this 6th day of September, 2011.

A correction needed to be made on the preliminary levy set for the York Fire District. An interlocal agreement in the amount of \$52,530.00 was included in the total request of \$107,517.00 and not in addition to it, therefore, the asking for the York Rural Fire District is \$107,517.00 and their preliminary levy is set at 0.035008.

Moved by Bredekamp, seconded by Bamesberger to adopt Resolution #11-60 amending the preliminary levy request for York Rural Fire District; roll call: yeas, Bredekamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-60 (amended 9-6-11)**

WHEREAS, Nebraska State Statute 77-3443 (3) requires all political subdivisions subject to county levy authority to submit a preliminary request for levy allocation; and

WHEREAS, the political subdivisions that are subject to York County Levy authority are agricultural society, historical society, rural fire districts and cemetery districts; and

WHEREAS, the York County Board of Commissioners has determined that due to the number of political subdivisions and taxing parcels that would be affected, that a maximum levy will be established and if the subdivisions request is over that maximum levy, their levy will be set at that maximum levy;

**NOW THEREFORE BE IT RESOLVED** that the York County Board of Commissioners hereby allocates the following:

Agricultural Society	.008353
Historical Society	.000155
Rural Fire Districts	.057045
Cemetery Districts	.005159

**BE IT FURTHER RESOLVED** by said Board that if any of the political subdivisions that are subject to the county levy authority neglects to submit a request, the Board will use their last years budget request to determine the levy rate in the same format as paragraph three (3);

**BE IT FURTHER RESOLVED** that the York County Board of Commissioners does hereby allocate the following:

		Levy as Requested	Levy Maximum Rate
<b>AG SOCIETY</b>			
<u>Valuation</u>	\$1,945,371,824.00		
<u>Request</u>	\$162,495.00		
		0.008353	0.008353
<b>HISTORICAL SOCIETY</b>			
<u>Valuation</u>	\$1,945,371,824.00		
<u>Request</u>	\$3,009.73		
		0.000155	0.000155
<b>FIRE DISTRICTS</b>			
<b><i>Benedict Rural Fire District</i></b>			
<u>Valuation</u>	\$181,926,839.00		
<u>Request</u>			
general fund	\$31,207.00	0.017154	
bond fund	\$36,689.50	0.020167	
<u>total request</u>	\$67,896.50		
		0.037321	0.057045
<b><i>Bradshaw Rural Fire District</i></b>			
<u>Valuation</u>	\$225,054,384.00		
<u>Request</u>			
general fund	\$30,280.21	0.013455	
sinking fund	\$9,462.00	0.004204	
<u>total request</u>	\$39,742.21		
		0.017659	0.057045
<b><i>Gresham Rural Fire District</i></b>			
<u>Valuation</u>			
York County	\$87,799,19.00		
Butler County	\$17,073,357.00		
Polk County	\$43,881,577.00		
Seward County	<u>\$37,085,243.00</u>		
total valuation	\$185,839,375.00		
<u>Request</u>			
general fund	\$52,542.55	0.028273	
sinking fund	\$14,368.65	0.007732	
Bond	<u>\$39,101.25</u>	0.021040	
<u>total request</u>	\$106,012.45		
		0.057045	0.057045
<b><i>Henderson Rural Fire District</i></b>			
<u>Valuation</u>			
York County	\$119,127,779.00		
Hamilton County	<u>\$77,831,863.00</u>		
total valuation	\$196,959,642.00		

<u>Request</u>				
general fund	\$39,600.00		0.020106	0.057045
 <b>McCool Jct Area Fire Rural Fire Protection District No. 7</b>				
<u>Valuation</u>	\$167,110,546.00			
<u>Request</u>				
general fund	\$32,978.67		0.019735	
sinking fund	\$26,243.16		0.015704	
Bond	<u>\$2,944.86</u>		0.001762	
<u>total request</u>	\$62,166.69		0.037201	0.057045
 <b>Waco Rural Fire District</b>				
<u>Valuation</u>	\$263,047,034.00			
<u>Request</u>				
general fund	\$45,900.00		0.017450	
bond fund	<u>\$12,873.00</u>		0.004894	
<u>total request</u>	\$58,773.00		0.022344	0.057045
 <b>York Rural Fire District</b>				
<u>Valuation</u>	\$307,125,486.00			
<u>Request</u>				
general fund	\$107,517.00		0.035008	0.057045
 <b>CEMETERY DISTRICTS</b>				
<b>Vernon Cemetery District</b>				
<u>Valuation</u>	\$88,786,859.00			
<u>Request</u>	\$1,836.00		0.002068	0.005159
 <b>Thayer Cemetery District</b>				
<u>Valuation</u>	\$79,078,071.00			
<u>Request</u>	\$4,079.04		0.005159	0.005159
 <b>Waco Cemetery District</b>				
<u>Valuation</u>	\$189,880,148.00			
<u>Request</u>	\$6,630.00		0.003492	0.005159

Dated this 6th day of September, 2011.

A public hearing was held at 10:00 A.M. to hear support, criticism, suggestions or observations of taxpayers relating to the proposed budget for 2011-2012. Present at the hearing were Commissioners Bulgrin, Bamesberger, Bredenkamp, Shellington and Buller along with Orval Stahr, Zoning Administrator.

There were no objections voiced regarding the 2011-2012 proposed budget, therefore, the Chairman declared the meeting closed at 10:02 A.M.

Moved by Bredenkamp, seconded by Bamesberger to adopt Resolution #11-61 to adopt the York County budget for 2011-2012 as presented; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

**RESOLUTON #11-61**

**WHEREAS**, at the public hearing held on the 6<sup>th</sup> of September, 2011, on the proposed 2011-2012 York

County Budget, the summary of the tentative County Budget as computed against the uncontested valuations of \$1,945,371,824. and \$1,313,612,409. for County Ambulance was submitted as follows:

County General Fund	\$4,523,388.43
Employment Security	\$13,869.53
County Relief	\$14,496.42
Institutions	\$7,473.09
Debt Service	\$424,455.26
Emergency Management	\$23,571.69
Ambulance	\$173,999.96
TOTAL	\$5,181,254.38

**AND WHEREAS**, making no changes or adjustments to the proposed 2011-12 summary of the County Budget.

**NOW THEREFORE BE IT RESOLVED** by the York County Board of Commissioners, that the County Budget be adopted.

**DATED** this 6<sup>th</sup> day of September, 2011.

The following request was received from concerned citizens to up-grade Road 21 between S & T to a gravel road. Both ends are already graveled because of families living there. This road is traveled a lot by area farmers and it is a lot of extra miles driving around the section when the road is wet. For some it is the shortest distance to a hard surfaced road (Thayer Road) when traveling to York. (signed Scott Gonnerman, Shelly Gruber, Krystal Rhodes, Frederick Branz and Gerald George). The Board was advised that it would cost approximately \$5,000 to \$7,000 for a half mile improvement. According to the Zoning rules, that cost would be the responsibility of the persons requesting the upgrade.

Moved by Buller, seconded by Bamesberger to deny upgrading County Road 21 between S and T; roll call: yeas, Buller, Bamesberger and Bulgrin; nays, Bredenkamp and Shellington; motion carried.

A request was also received from Scott D. Ehlers requesting an upgrade for Road R between Road 21 and 22. It was estimated that the cost would be approximately \$20,000. according to the zoning rules. That cost would be the responsibility of the person requesting the upgrade.

Moved by Bamesberger, seconded by Buller to deny the request to upgrade County Road R between Roads 21 and 22; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

Chairman Bulgrin discussed the offer made to the prospective Highway Superintendent and advised that in order to make the offer work monetarily wise, the position of Zoning Administrator (salary) would have to be included. At this time, the county is in a contract with Orval Stahr for that service. Under the contract, a fifteen day notice must be sent to him advising that the County would be cancelling the contract. Because Stahr was present at the time this was discussed, he advised the Board that the Board should consider this as notice of the cancellation of the contract and that no further notice need be made.

Moved by Buller, seconded by Bamesberger to allow the York County Zoning Administrator contract between Orval Stahr and York County to expire as of November 11, 2011; roll call: yeas, Buller, Bamesberger, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

Sandy Morrissey of Region V Systems came before the Board to give a regional update along with Irene Dunkan who represented Four Corners Health Department.

Chairman Bulgrin advised that he had contacted Contryman Associates of Hastings regarding the 2010-2011 Audit. Prior to this date, requests for proposals had been sent to York County CPA firms, however, no proposals were received. The Board gave their approval to proceed with obtaining a bid from Contryman.

Commissioner Bredenkamp advised that she had contacted Stephanie Boring, the prior General Assistance Administrator concerning the guidelines for assistance. While discussing the information, Boring advised that she would be willing to again assume that roll.

Moved by Bredenkamp, seconded by Bamesberger to rehire Stephanie Boring as General Assistance Administrator effective September 6, 2011; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

Discussion was had regarding the date that annual raises would be effective. The Board set the Deputy County officials raise at the August 30, 2011 meeting along with other county employees who are under their jurisdiction.

In the past, raises have been retroactive back to the first of the fiscal year which would be July 1<sup>st</sup>. Commissioner Bredenkamp stated that she felt the first pay-period of September should be the beginning date as a number of positions had received an increase greater than the \$.25 which was suggested and that the delay in initiating the pay raise would help the offices to stay within their budgets. It is the intention of the Board that in the years to come, raises are to begin on the first pay period of September.

Moved by Bredenkamp, seconded by Bamesberger to amend Resolution #11-58 and adopt Resolution #11-62 regarding the Deputy officials wages with the effective date being the first pay period in September; roll call: yeas,

Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

**RESOLUTION #11-62**

WHEREAS, the York County Board of Commissioners met at their regular meeting on September 6, 2011 to discuss the salary proposals for the Deputy County Clerk, Deputy Clerk of the District Court, Deputy County Assessor, Deputy Treasurer and Deputy County Attorney regarding employment and duties of deputy staff until September 3, 2012 and effective as of September 4, 2011, until further action by the Board.

BE IT RESOLVED that the appointed deputy salaries for the office of Deputy County Clerk, Deputy Clerk of District Court, Deputy County Assessor, Deputy County Treasurer, and Deputy County Attorney are hereby adopted as follows:

Deputy County Clerk, Kelly Turner	\$19.20 hr.
Deputy Clerk of the District Court, Mary Johnson	\$19.20 hr.
Deputy County Assessor, Janet Veleba	\$19.20 hr.
Deputy County Treasurer, Gayla Knight	\$19.20 hr.
Deputy County Attorney, Candace Dick	\$46,848.40

BE IT THEREFORE RESOLVED that from September 4, 2011 to September 3, 2012, the above salaries are hereby adopted for the above Deputy Officials in the above offices.

Dated this 6th day of September, 2011.

Moved by Bamesberger, seconded by Buller to amend the motion regarding the county employees which are set by the Board that they go into effect with the first pay period in September; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

The Board reviewed payroll and vendor claims. An additional claim was presented from Rasmussen Mechanical Services for \$1,268.94.

Moved by Bamesberger, seconded by Shellington to approve payroll in the amount of \$121,061.52 and vendors along with the claim to Rasmussen Mechanical Services; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

<b>Fund</b>	<b>Name</b>	<b>Description</b>	<b>Total</b>
Rd	Ace Irrigation and Mfg	Culverts	3,748.00
Gen	American Boiler Company	Building Maintenance	12,891.00
Gen	Automated Systems	Data Proc Equipment	276.85
Aging	Bag N Save	Supplies	2,949.76
Gen	Bill Bamesberger	Mileage	142.08
Gen, Rd	Black Hills Energy	Heating Fuels	328.74
Gen	George Brugh	Mental Health Board	75.00
Gen	Lori Byers	Reimbursement	171.18
Rd	Car Parts Inc.	Repair Parts	154.58
Aging	Cash-Wa Distributing Co.	Supplies	295.83
Gen	Clerk of the Supreme Court	Court Costs	125.00
Gen	Cornerstone Bank	Office Supplies	12.73
Rd	Cross-Dillon Tire	Tire Repair	705.84
Gen	DDSS, Inc.	Data Proc Equip	296.50
Gen	Sharon Dolezal	Reimbursement	10.15
Gen	Dugan Business Forms	Office Supplies	326.89
Rd	DXP Enterprises, Inc.	Repair Parts	573.58
Gen, Visitors Prom, Aging, Emer Mgnt	Eakes Office Plus	Office Supplies	2,398.19
Gen	Eastern Nebraska Forensic Lab	Court Costs	274.00
Rd	Farm Plan	Repair Parts	895.16
Rd	Farmers Cooperative	Tire Repair	41.99
Rd	Fastenal Industrial & Const Supply	Repair Parts	1.49
Gen	Fillman Law Offices	Attorney Fees	1,802.19
Rd	Filter Care	Repair Parts	319.60
Gen	Thomas J. Gilligan, Ph.D., P.C.	Mental Health Services	850.00
Aging	Grand Central Foods	Supplies	50.67
Aging	Kay Hilderbrand	Mileage	93.80
Aging	Janet Hines	Reimbursement	72.29
Emer Mgnt	Gerald Hinrichs	Reimbursement	58.28
Gen	Nancy Hoblyn	Mental Health Board	75.00
Gen	Hometown Leasing	Data Proc Equip	249.48
Gen	Cynthia Hunt	Mileage	5.55
Gen	Hy-Tec Auto Service	Vehicle Maintenance	709.40
Gen	Jackson Services, Inc.	Building Maintenance	42.50
Rd	Jensen Lumber Company	Flares, Flags, and Barricades	21.96
Gen	John Kohl Auto Center, Inc.	Vehicle Maintenance	112.18
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	8,127.00

Rd	Kimball Midwest	Repair Parts	207.74
Gen	David Kimble	Attorney Fees	1,230.00
Visitors Prom	The Lamar Companies	Media-Advertising	470.00
Gen	Lancaster County Court	Court Costs	3.00
Gen	Lancaster County Youth Serv Ctr	Juvenile Care Costs	1,180.00
Rd	Lesoing's Inc.	Repair Labor	175.00
Rd	Matheson Tri-Gas, Inc.	Repair Parts	456.71
Gen	Mid America First Call, Inc.	Coroner/Autopsy Costs	309.50
Gen	MIPS Inc.	Data Proc Costs	599.58
Rd	Moses Motor Co.	Repair Parts	59.83
Visitors Prom	Ne Life	Publication	246.00
Gen, Rd	Ne Public Power District	Electricity	7,798.74
Rd	Ne Truck & Equipment Co, Inc.	Repair Parts	783.30
Rd	Dillon Nielsen	Uniform Allowance	50.00
Rd	NMC Exchange LLC	Grader Blades	2,847.79
Gen	North Office Supply	Office Supplies	40.83
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	363.39
Rd	O'Reilly Auto Parts	Shop Tools	87.94
Gen	OfficeNet	Office Supplies	49.99
Rd	Overland Sand & Gravel Company	Gravel	5,745.87
Rd	Penner's Tire & Auto, Inc.	Tire Repair	2.75
Gen, Rd,			
Visitors Prom	Perennial Public Power District	Electricity	523.21
Rd	Pieper's Inc.	Easement & Others	155.50
Rd	Power Plan	Repair Parts	688.75
Rd	Power Service Inc.	Repair Parts	28.95
Rd	Rasmussen Auto Parts	Repair Parts	221.14
Gen	Rasmussen Mechanical Services Inc.	Building Maintenance	1,268.94
Rd	Max Rea	Uniform Allowance	50.00
State Inst	Region V Systems	EPC Billing	726.00
Gen	Ed Roehr Safety Products	Safety Equipment	81.87
Rd	Sahling Kenworth Inc.	Repair Parts	215.97
Gen	Don Sandman	Mileage/Meals	436.27
Visitors Prom	Bob Sautter	Mileage	245.31
Gen	Kevin Schlender	Mental Health Board	780.00
Rd	Sellers Equipment, Inc.	Repair Parts	195.06
Rd	Standard Battery, Inc.	Repair Parts	248.85
Gen	Svehla Law Offices	Attorney Fees	7,467.55
Rd	Titan Machinery	Repair Parts	2,397.86
Visitors Prom	USA Outdoor II, LLC	Media-Advertising	360.00
Gen	Janet H Veleba	Mileage	64.50
Gen, Rd	Verizon Wireless Services LLC	Telephone Service	190.76
Aging	Village Of McCool Junction	Program Supplies	106.10
Gen	Voss Lighting	Building Maintenance	5,438.50
Rd	Weldon Parts – GI	Repair Parts	1,327.63
Visitors Prom,			
Visitors Imprv	Wessels Living History Farm	Grants/Erecting Signs	8,420.00
Gen	Woods & Aitken L.L.P.	Attorney Fees	288.00
Gen, Rd	York Ace Hardware	Building Maintenance	176.00
Visitors Prom	York Area Chamber of Commerce	Special Projects	25.00
Gen, Rd	York County Clerk-Petty Cash	Reimbursement	710.20
Visitors Prom	York County Development Corp	Office Expenditures	6,054.44
Gen	York County District Court	Court Costs	212.00
Gen	York County Sheriff	Reimbursement	2,091.80
Gen	York Electronics	Supplies	26.36
Rd	York Equipment, Inc.	Repair Parts	279.65
Rd	York Farm Supply LLC	Repair Parts/Labor	288.70
Gen, Rd,			
Aging	York News-Times	Publication	1,059.14
Gen, Visitors			
Prom	York Printing Company, LLC	Office Supplies	852.63
Gen	York Vacuum Center	Janitorial Equipment	33.00
Gen	Zee Medical Service	Safety Equipment	97.40

A service contract from Connecting Point for the servers and computers connected to the county time clocks was reviewed. At this time, personnel in the Clerk's office connect to the company and are able to rectify the problem in that fashion.

Moved by Bamesberger, seconded by Bredenkamp to not enter into the contract with Connecting Point; roll call: yeas, Bamesberger, Bredenkamp, Buller, Shellington and Bulgrin; nays, none; motion carried.

A proposal was received from Karr Tuckpointing for maintenance work on the Courthouse. Commissioner Bamesberger advised that the matter needs to be studied more before a decision can be made.

Moved by Bamesberger, seconded by Buller to table the matter; roll call: yeas, Bamesberger, Buller,

Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

A request was received from Treasurer Scavo to both release and approve pledged securities with Cornerstone Bank.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution #11-63 to release a custody receipt with Cornerstone Bank CUSIP#313371K70 in the amount of \$400,000.; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-63**

**WHEREAS**, Cornerstone 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 U.S. Bank N.A. in escrow, to secure the County deposits in said Cornerstone Bank the following security:

Federal Home Loan Bank  
11/15/19 Bonds  
Maturity Date: 11/15/2019  
CUSIP: #313371K70  
Pledged amount: \$400,000.00

**BE IT THEREFORE RESOLVED** that the depository receipt heretofore filed with the County Clerk covering the above described security, be and hereby is cancelled and discharged, and the County of York hereby releases the said Cornerstone Bank, Escrow Agent from all liability by reason of the surrender of the said bond and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipt covering said securities to Cornerstone Bank.

DATED this 6<sup>th</sup> day of September, 2011

Moved by Bamesberger, seconded by Buller to adopt resolution #11-64 to approve pledged securities and bond with Cornerstone Bank CUSIP#313370JQ2, 03873ABW4, 627149AN7, 627149AN7, 627149AP2, 627149AQ0 and 313375AW7; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-64**

**WHEREAS**, Cornerstone Bank was heretofore designated as a depository for county funds and to secure the same from time to time, has heretofore deposited securities with Wells Fargo Bank N.A. and Federal Home Loan Bank;

**BE IT THEREFORE RESOLVED**, that the deposit of securities heretofore made to secure the County deposits with said Cornerstone Bank be and the same are hereby approved and that the Depository Receipts herewith filed with the County Clerk covering the following described securities be approved:

Wells Fargo Bank N.A.  
Arapahoe NE 3.300  
Maturity Date: 11/15/2012  
CUSIP# 03873ABW4  
Pledged Amount \$65,000.

Wells Fargo Bank N.A.  
Murray Neb Rural Fire Dist.  
Maturity Date: 10/15/2019  
CUSIP# 627149AN7  
Pledged Amount \$75,000.

Wells Fargo Bank N.A.  
Murray Neb Rural Fire Dist.  
Maturity Date: 10/15/2019  
CUSIP# 627149AN7  
Pledged Amount \$80,000.

Wells Fargo Bank N.A.  
Murray Neb Rural Fire Dist  
Maturity Date: 10/15/2021  
CUSIP# 627149AP2  
Pledged Amount \$85,000.

Wells Fargo Bank N.A.  
Murray Neb Rural Fire Dist  
Maturity Date: 10/15/2023  
CUSIP# 627149AQ0  
Pledged Amount \$95,000.

Pledged Bond  
FHLB  
CUSIP# 313375AW7  
Pledged Amount \$1,000,000.

Federal Home Loan Bank  
8-19-25 Bonds  
CUSIP# 313370JQ2  
Maturity Date: 8-19-25  
Pledged Amount \$1,000,000.

DATED this 6th day of September, 2011.

Commissioner Bulgrin spoke with the proposed Highway Superintendent, David Shanahan regarding the offer for employment. Bulgrin stated that he felt a letter from York County with a formal offer should be sent which stated we would pay him the \$65,000 for superintendent duties and when he takes over the Zoning duties we would use the monthly zoning monies (\$1,700.) to bring his salary up.

Moved by Bredenkamp, seconded by Shellington to give him \$75,000. and after six months go up another \$5,000.; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

The Board received a letter from the Deputy County Attorney and the secretaries in the County Attorney's office regarding the job performance of the County Attorney.

Moved by Bredenkamp, seconded by Bamesberger that the Board Chairman read the statements from the individuals the allegation/concerns regarding the County Attorney's job performance into the record; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

York County Board of Commissioners  
York County Courthouse  
510 Lincoln Avenue  
York, NE 68467

Dear York County Board of Commissioners:

Over the last thirteen (13) months the undersigned individuals have witnessed behavior by William Sutter that has led us to speak out publicly about the concerns we have. We have tried to perform our jobs to the best of our abilities in spite of the conditions in the office and Mr. Sutter's behavior. We have also each discussed with him our concerns about his behavior and his failure to perform the duties of his job, but he has refused to respond and has told us that we need to get used to it, he's an elected official, and we better figure out who we're working for.

When the Deputy County Attorney tried to express her concerns about the low morale and tension in the office, Mr. Sutter's response to her was that **"he doesn't really give a (expletive removed)"**. The Deputy has tried to alleviate some of the problems in the office by acting as a buffer between Mr. Sutter and the staff, law enforcement, and the public who come into the office. However, this has created an impossible workload for the Deputy, and has left Mr. Sutter with almost nothing to do. If things continue the way they have been, the office will eventually fall apart. At this point, we don't feel we have any other options other than to bring the situation to the Board's attention.

This is a listing of behaviors and statements by Mr. Sutter that we have observed. We are very concerned that Mr. Sutter behaves in a way that is unprofessional and abusive toward others and that he is not fit to handle the duties and responsibilities of the office.

These are some of the behaviors and statements made by Mr. Sutter which have led to our concerns:

1. In early August 2011, an investigator from the Attorney General's Office contacted Mr. Sutter to inform him that they would be obtaining a search warrant for a computer owned by a person living in York who was viewing child pornography in his home. The images seized from the suspect's computer were extremely disturbing and involved children as young as three years old being sexually penetrated by an adult male. Our office was given a copy of the arrest warrant affidavit which described the photos on the suspect's computer. Mr. Sutter responded to the case by telling his Deputy: **"I don't really care what people do in their own homes as long as no one gets hurt"**.

When an attorney from the Attorney General's office called Mr. Sutter to discuss what they found, Mr. Sutter told him that we were **"up to our (expletive removed) in alligators"**, so the AG's office said they would handle the case for us. Mr. Sutter then had his secretary draft the paperwork necessary to allow the AG's office to take over the case.

2. On August 30, 2011, an entirely new child pornography case came in. Given Mr. Sutter's prior statement about child pornography not hurting anyone, the Deputy County Attorney started working on the case. Mr. Sutter asked what the Deputy was working on and when we told him "child porn" he said **"I probably shouldn't see those [pictures], I wouldn't want them to fall into the hands of some of my friends"**. He said this in front of all three of us.

3. On August 17, 2010, Mr. Sutter was handling a case that the former county attorney, Tim Sieh, filed against a sex offender for failing to register as a sex offender in York County, which is a Class IV Felony. Mr. Sutter amended the charge to a Class I Misdemeanor, and said **"he didn't do anything, he just failed to register.....it would be hard to stay on top of. I don't understand why the State Patrol is wasting their time going around tracking these guys down because I'm not going to prosecute these cases anymore."** Since that time, we had not had any failure to register cases referred to our office until 6/23/2011, when State Patrol investigators aggressively sought out Mr. Sutter and told him how important it was to file charges. When that case came before the District Court on August 17, 2011 Mr. Sutter told his Deputy that **"this is one of those chicken-(expletive removed) laws.....she had sex with a sixteen year old boy and he loved every minute of it"**.

4. When Mr. Sutter was presented with a case involving a 19 year old man having sex with a 14 year old girl, Mr. Sutter told his secretaries: **“You just can’t have good clean sex these days”**. The District Court sentenced that 19 year old man to 2 years in prison for that “good clean sex”.

5. Mr. Sutter also sat down in front of secretary, Crystal, after a hearing, and about losing, he said: **“It’s like a woman getting raped, eventually you just have to sit back and enjoy it”**. This obviously made Crystal feel uncomfortable. Mr. Sutter has sat down in front of Crystal on more than one occasion and described his scrotum in detail and how big it had gotten when he was sick. He also told Crystal that “she’s blonde, so she better be careful”, and that she should wear dresses more often.

6. Mr. Sutter often makes shocking, insensitive, and inappropriate comments such as the ones mentioned above, that have caused law enforcement to present their cases to the Deputy and avoid Mr. Sutter. Mr. Sutter commonly refers to York Police Officers and Sheriff’s Deputies as **“morons”, “idiots”, “dumber than a box of rocks”**. He has made these statements about our officers to each one of us.

7. Mr. Sutter has also called the Deputy a **“stupid -(expletive removed) -(expletive removed)”** in the District Courtroom, while sitting inches away, face to face with her.

8. Before the Board spoke to Mr. Sutter on August 23, 2011, Mr. Sutter’s daily work routine was to arrive to work by 8:00 a.m., leave in the morning for an hour or more, return, and then leave again for lunch from 11:30 a.m. to 1:30 or 2:00 p.m.. He would leave again for the day at 4:30 p.m. If officers or the public came to the office to see Mr. Sutter during his breaks, they would speak with the Deputy instead. While Mr. Sutter is in the office, he plays Solitaire on his computer, sleeps, or reads the newspaper.

9. On June 16, 2010, Mr. Sutter told his secretary, Jamie, to prepare motions for all probation violations for the Deputy’s signature and to let her deal with all the probation cases because he doesn’t like the probation officer because she talks loud and he doesn’t like women who talk loud. At that point, the Deputy was already handling all the misdemeanor cases, traffic cases, child support cases, half of the felony cases, and Mr. Sutter’s research for the County Board. Mr. Sutter was playing Solitaire on his computer at the time he was saying this to Jamie.

10. On August 12, 2011, at 3:40 p.m., a York Police Officer called for advice about a theft case. Mr. Sutter told us to tell the officer he was gone. Then at 4:05 p.m., Mr. Sutter asked what the officer wanted, he said **“nobody wants to screw with it on a Friday”** and went home without calling the officer back.

11. Mr. Sutter has had his secretary send memos to law enforcement that he would be out of town and unavailable for coroner calls on the following dates: May 14-17, 2010; August 7-8, 2010; August 13, 2010; September 16-19, 2010; November 20-21, 2010; December 24-25, 2010; January 8-16, 2011; February 18-20, 2011; March 5-6, 2011; March 25, 2011; March 30 -April 1, 2011; May 5-8, 2011; May 24-25, 2011; June 24-27, 2011; and August 15-16, 2011. He has also informed us that he will be gone September 15-19, 2011 and October 14-21, 2011. The Deputy performs the County Attorney’s duties as county coroner when Mr. Sutter is not available. To date Mr. Sutter has gone on 4 coroner calls, and the Deputy has gone on 8.

12. On August 15, 2011, Mr. Sutter left at noon to go to a Kansas City to a baseball game. On August 16, 2011, around 8 a.m., the Deputy had to go to Waco for a coroner call. Since no one was available to handle court, all of the juvenile court morning arraignments had to be continued, and there was a full docket set for the afternoon. When Mr. Sutter arrived at 2 p.m. on the 16<sup>th</sup>, the Deputy informed Mr. Sutter of the events in the morning and that we were swamped in the afternoon as a result. Mr. Sutter stayed in the office for about 10 more minutes and went home, even though he knew how busy we were.

13. Since September 2010 to the present, Mr. Sutter has had his secretary, Jamie, write a factual basis for each file he handles so that he does not have to read the police reports. He is not familiar with the facts in his cases, and once commented to Jamie that he didn’t know what a case was about and Jamie pointed to the file cabinet drawer and said that he could look at them anytime, and he looked at Jamie and rolled his eyes and said **“well, that’s not going to happen.”**

14. Before the Board spoke to Mr. Sutter on August 23, 2011, the case load in the office was as follows:

The Deputy:	Felonies	25
	Misdemeanors	115
	Juvenile Files	47
	Mental Health Board	3
	Child Support	100+
	Coroner Calls	8
Mr. Sutter:	Felonies	23
	Misdemeanors (DUI)	37
	Juvenile Files	1
	Coroner Calls	4

15. During a preliminary hearing on a felony child abuse the Deputy is handling, Mr. Sutter sat next to her during the hearing and made inappropriate comments into the microphone at the prosecutor’s table about various witnesses and evidence. When the medical expert, who is female, walked to the witness stand, Mr. Sutter said **“she has terrible legs”** and the entire courtroom, including the witness heard it. It caused the Deputy and the witness to pause and look at each other, and was distracting to both of them. When Mr. Sutter saw a photo of the child sitting on the prosecutor table, he leaned into the Deputy and said into the microphone that he was **“gross”** more than once. The child’s mother was sitting directly behind him and voiced her disgust to the Deputy through her attorney after the hearing. Even after the court found in favor for the prosecution at the preliminary hearing, and while still in the courtroom, Mr. Sutter told the Deputy **“we better plead this down”**, and the defense attorney, and the child’s mother heard him.

16. The Deputy County Attorney has tried on different occasions to even-out the caseload. Her latest attempt was giving Mr. Sutter two probation violation hearing involving DUI convictions since Mr. Sutter handles the DUI cases. Mr. Sutter asked the Deputy what he was supposed to do at the first hearings, and she advised him that the first appearance did not require presenting any evidence, and Mr. Sutter replied **“good because if there was, I wouldn’t be handling it”**.

17. The Deputy also advised Mr. Sutter that he would have to handle a felony drug case against a particular defendant because she had represented this person in private practice. Mr. Sutter replied that **“you’re going to have to get over that if you want to stay employed”**. He said this in the courtroom, with a Sheriff’s Deputy present.

18. In December 2010, a defendant in a felony theft case was bonded out of jail and spoke to Jamie’s husband at the Living Water Mission, about how much he liked the county attorney because he had come in and talked to Mr. Sutter about his charges before he had an attorney, and Mr. Sutter told him **“you’re going to be easy, get yourself a lawyer and we’ll plead this thing down.”** He subsequently dismissed two of three charges he filed against this defendant.

We were very reluctant to come forward and express these concerns because we have been concerned that we might lose our jobs if we spoke out about Mr. Sutter’s behavior, and we were also afraid that the behaviors might get worse if we discussed them publicly, and that is why we have tried to keep our concerns to ourselves until this time. However, Mr. Sutter’s rejection of our attempts to change his behavior makes it necessary that we bring these matters to your attention.

The County Attorney’s Office has a high case load and it requires the County Attorney to handle numerous types of matters for the citizens of York County. These include, but are not limited to, child abuse and neglect cases, child support, sexual assault, child pornography, sex offender registration and other felonies, DUI cases, mental health board cases, county tax foreclosures, coroner duties, and civil county matters.

In order to effectively carry out the responsibilities of the office the County Attorney as well as the Deputy must be competent and willing to divide these duties so that they can be properly handled. The Deputy County Attorney handles the bulk of the office responsibilities due to Mr. Sutter’s refusal to do them, and as a result we simply aren’t able to do what needs to be done to represent the people of York County in handling all of these duties. Also, Mr. Sutter’s disrespectful attitude toward other officials, the public as well as each of us has been very alarming to observe from a public official in his position.

At this point it is apparent that if Mr. Sutter continues his position that cases will not be prosecuted as they should be and the other duties of the office will continue to be neglected. Much of what the office does is not observed by the general public, but our responsibilities affect the people of York County in many ways. We are concerned that the people of this County will not receive the treatment and attention that they should be given if this situation continues.

Respectfully submitted: Crystal Vavra, Jamie Martelle and Candace Dick

Committee reports were given.

The Chairman declared the meeting adjourned at 2:01p.m. The next meeting will be held September 20, 2011 at 9:35 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.

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Kurt Bulgrin, Chairman  
York County Board of Commissioners

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Cynthia D. Heine, County Clerk  
York, Nebraska