

The York County Board of Commissioners met according to law on April 6, 2010 at 9:35 a.m. as per notice in the York News Times on April 1, 2010, with Vice Chairman Steve Neujahr presiding, with Eugene Bergen, Kurt Bulgrin and Patricia Bredenkamp. Commissioner Augustus M. Brown Jr was absent. Also present were Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York News Times; Bill Bamesberger and James Klute.

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.

Neujahr announced that the Open Meetings Law was posted outside the door along with a copy 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 Bergen, seconded by Bredenkamp to approve the minutes for March 23, 2010 Board of Commissioners meeting as presented; roll call: yeas, Bergen, Bredenkamp, Bulgrin and Neujahr; nays, none; Brown absent; motion carried.

Moved by Bulgrin, seconded by Bergen to amend the agenda to include appointing Don Robb, York County Highway Superintendent as the authorized representative for York County for the federally declared disaster FEMA-1878-DR; roll call: yeas, Bulgrin, Bergen, Bredenkamp and Neujahr; nays, none; Brown absent; motion carried.

Moved by Bulgrin, seconded by Bredenkamp to adopt the amended agenda for the Board of Commissioners for Tuesday, April 6, 2010; roll call: yeas, Bulgrin, Bredenkamp, Bergen and Neujahr; nays, none; Brown absent; motion carried.

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

The Board reviewed the payroll and vendor claims. It is now necessary to transfer budgeted funds from the Miscellaneous General Fund to the Data Processing Fund as budgeted.

Moved by Bredenkamp, seconded by Bulgrin to adopt Resolution #10-17 to transfer \$7,000.00 from Miscellaneous General to Data Processing as per budget; roll call: yeas, Bredenkamp, Bulgrin, Bergen and Neujahr; nays, none; Brown absent; motion carried.

RESOLUTION #10-17

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 6th day of April, 2010, and discussed the fact that in the proposed budget for 09-10, the Data Processing Fund would be funded by way of interfund transfer from the Miscellaneous General Fund; and

WHEREAS, at this time it is necessary to transfer proposed budgeted funds in order to meet obligations in the amount of \$7,000.

NOW BE IT RESOLVED, that the York County Treasurer shall transfer the sum of \$7,000.00 budgeted dollars from the Miscellaneous General Fund to the Data Processing Fund for the budget year of 2009-2010.

Dated this 6th day of April, 2010.

Sequoia Consulting Group submitted a proposal to conduct a cost allocation plan which identifies the various costs incurred by the County to support and administer Federal and State programs/ indirect costs for County grants including IV-D claiming. They are offering a 3 year agreement.

Moved by Bulgrin, seconded by Bredenkamp that York County enter into an agreement with Sequoia Consulting Group for a contract for Cost Allocation Plan for Child Support Reimbursement such agreement shall take effect January 1, 2011 and to authorize the Chairman to enter into that agreement; roll call: yeas, Bulgrin, Bredenkamp, Bergen and Neujahr; nays, none; Brown absent; motion carried.

Vice Chairman, Neujahr stated that he had spoke with Fred Weisheit who had spoke with the State Elevator Inspector who stated that the other safety device is not necessary as we at this time have two (2) safety devices in place.

Moved by Bergen, seconded by Bredenkamp to not enter into an agreement with O'Keefe Elevator Company for an additional safety device for the elevators; roll call: yeas, Bergen, Bredenkamp, Bulgrin and Neujahr; nays, none; Brown absent; motion carried.

A tort claim was filed by Byron Carlson for repairs to a windshield due to gravel damage from a county owned vehicle.

Moved by Bulgrin, seconded by Bergen to refer the claim filed by Byron Carlson to our insurance provider; roll call: yeas, Bulgrin, Bergen, Bredenkamp and Neujahr; nays, none; Brown absent; motion carried.

York County Attorney, Tim Sieh, has submitted his resignation effective April 23, 2010. The Board accepted his resignation on March 23, 2010. Due to the resignation, the Board must appoint someone to fill the unexpired term of Mr. Sieh.

Moved by Bredenkamp, seconded by Bergen to adopt Resolution #10-18 naming Bill Sutter as York County Attorney to fill the unexpired term vacated by Tim Sieh effective April 24, 2010; roll call: yeas, Bredenkamp, Bergen, Bulgrin and Neujahr; nays, none; Brown absent; motion carried.

RESOLTUION #10-18

WHEREAS, Tim Sieh, York County Attorney has submitted a letter of resignation effective April 23, 2010; and

WHEREAS, Nebraska Law requires the York County Board to appoint a successor County Attorney to complete the balance of the term of the current York County Attorney; and

WHEREAS, William D. Sutter Jr., Deputy County Attorney is a qualified candidate to serve as York County Attorney and meets all the requirements to assume the Office of York County Attorney;

NOW, THEREFORE, BE IT RESOLVED, that William D. Sutter Jr. is appointed to serve as York County Attorney for the remainder of the term of the current York County Attorney; further, that this appointment shall be effective on April 24, 2010.

Dated this 6th day of April, 2010.

Brenda Scavo, County Treasurer, spoke with the Board regarding the internet connection to the county offices. She had researched the possibilities with information being obtained as far as costs and the length of contract from Dark Fiber Solutions of York and Windstream Communications.

Moved by Bredenkamp, seconded by Bergen to authorize York County Treasurer, Brenda Scavo to contact Windstream to complete the conversion to Windstream Internet; roll call: yeas, Bredenkamp, Bergen, Bulgrin and Neujahr; nays, none; Brown absent; motion carried.

C.J. Johnson of Region V Systems spoke with the Board and gave their quarterly report along with their budget request. They are requesting a 0.50% increase in budget which would be \$20,728.00 for mental health and \$3,730.00 for Substance abuse. The Board will take their request into consideration when drafting the budget.

Dave Merrill and Lisa Obermier of Region V Services updated the board on their program and submitted their 2010-2011 budget request.

Rick Nation, CEO of Blue Valley Community Action Partnership spoke with the Board and presented their report and budget request.

Justin of Murphy Tractor and Don Robb, York County Highway Superintendent spoke with the Board regarding the new emission standards for 2011. Due to these changes, new equipment will be from \$15-\$30,000 more per unit. After 2011, the Tier 4 emissions rules will apply.

Moved by Bulgrin, seconded by Bredenkamp to approve payroll in the amount of \$110,335.35 and vendor claims excluding the Zoning Administrator's request for lodging as it is part of his contract; roll call: yeas, Bulgrin, Bredenkamp, Bergen and Neujahr, nays, none; Brown absent; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Gen	American Resource Consultants	Voting Supplies	1,679.69
Gen	Atco International	Equipment	278.20
Visitors Prom	Avery Outdoor	Billboard Rental	240.00
Gen	Bob Barker Company, Inc.	Equipment	654.03
Gen	Eugene R. Bergen	Mileage	245.00
Gen, Rd	Black Hills Energy	Heating Fuels	1,259.01
Gen	Blue Knight Security, Inc.	Security Contract	1,026.00
Gen	Stephanie Boring	Reimbursement	45.94
Rd	Bosselman	Fuel	19,839.60
Gen	Augustus M. Brown Jr.	Mileage	186.50
Rd	Car Parts Inc.	Repair Parts	168.28
Rd	Ila Chapman	Reimbursement	50.00
Gen	City of York	Water	1,027.18
Gen, Rd	Constellation NewEnergy Gas Div	Heating Fuels	4,207.13
Gen	Teresa Contatore	Mileage	2.00
Gen	Cornerstone Insurance Group	Dues	50.00
Rd	Cornhusker Cleaning Systems Inc.	Shop Supplies	41.05
Gen	Byron Covey	Mileage	62.00
Gen	Crossroads Fuel Stop	Fuel	164.66
Gen	Gregory C. Damman	Attorney Fees	435.00
Rd	Del-Ray Quality	Repair Parts/Labor	158.60
Gen	Des Moines Stamp Mfg Co	Office Supplies	75.30
Gen	Candace Bottorf Dick	Attorney Fees	600.00
Gen	Eakes Office Plus	Office Supplies	1,377.18
Visitors Prom	Fairway Outdoor Advertising, LLC	Billboard Rental	435.00
Rd	Farm Plan	Shop Supplies	183.72
Rd	Fastenal Industrial & Const Supply	Repair Parts	.42
Gen	Fillman Law Offices	Attorney Fees	352.50
Gen	Fillmore County Sheriff	Court Costs	18.00
Rd	Filter Care	Repair Parts	85.65
Gen	Great Plains Pest Management, Inc.	Janitorial Supplies	52.00
Gen	Hall County Sheriff	Court Costs	41.32
Gen	Hasler Financial Services, LLC	Office Equipment	50.00

Gen	Heiden Surveying	Contractual Services	400.00
Gen	Hobart Sales & Service	Equipment	199.20
Gen	Holt County Treasurer	Office Supplies	14.53
Gen	Hometown Leasing	Data Proc Equip	494.90
Rd	Hradec Diesel	Repair Parts	95.92
Gen	UNL Is Communications Center	Telephone Service	12.95
Gen	Jack's Uniforms & Equipment	Uniform Allowance	151.34
Gen	Jackson Services Inc.	Building Maintenance	85.00
Rd	JEO Consulting Group, Inc.	Engineering	350.00
Rd	Johnson Sand & Gravel Co, Inc.	Gravel & Rock	4,267.07
Rd	Kirkham Michael Engineers	Engineering	6,752.55
Gen	Kopcho's Sanitation, Inc.	Garbage	175.00
Gen	Eileen Krumbach	Mileage	85.00
Visitors Prom	The Lamar Companies	Billboard Rental	460.00
Gen	Lancaster County Sheriff	Court Costs	8.12
Gen	LaRue Distributing, Inc.	Equipment	35.98
Gen	Lawson Products, Inc.	Janitorial Supplies	215.55
Gen	Liermann's Service	Vehicle Maintenance	47.55
Rd	Linweld, Inc.	Shop Supplies	338.30
Gen	Loup Valley Lighting, Inc.	Vehicle Maintenance	389.53
Gen	Master's Transportation Inc.	Vehicle Maintenance	1,157.30
Rd	Mead Lumber & Rental – York	Supplies	4.40
Rd	Medical Enterprises, Inc.	Engineering	119.60
Gen	Midwest Auto Fire Sprinkler Co.	Building Maintenance	255.00
Gen, Data Proc	MIPS Inc.	Data Proc Costs	9,556.41
Gen	Jeanne Morand, Court Reporter	Court Costs	251.25
Weed	Moses Motor Co.	Weed Equip Repair	31.31
Gen	Naber's Repair Service	Equipment	53.00
Gen	Ne Air Filter Inc.	Building Maintenance	300.16
Rd	Ne Assoc. of Highway Superintendents	Registration	70.00
Gen	Ne Emergency Service Communications	Dues	15.00
Gen	Ne Law Enforcement Training	Dues	100.00
Gen	Ne Planning & Zoning Assoc.	Registration	140.00
Gen, Rd	Ne Public Power District	Electricity	2,736.72
Rd	Ne Truck & Equipment Co., Inc.	Repair Parts	102.72
Rd	Ne Truck Center, Inc.	Repair Parts	92.55
Gen	Ne Workforce Development	Building Maintenance	200.00
Rd	Nebraskaland Glass	Repair Labor	85.00
Rd	Nichols Construction Co.	Gravel	439.84
Aging	Anita Norquest	Reimbursement	82.43
Gen	North Office Supply	Office Supplies	154.03
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	354.53
Rd	O'Reilly Auto Parts	Shop Supplies	6.78
Rd	Officenet	Office Equipment	251.69
Rd	Orscheln Farm and Home	Shop Tools	18.99
Rd	Overland Sand & Gravel Company	Gravel & Rock	8,173.11
Gen	Pamida Stores Operation Co LLC	Medical-Prisoners	12.48
Gen	Paper Tiger Shredding	Shredding Services	35.00
Gen	Betsy Patrie	Court Costs	20.00
Rd	Penner's Tire & Auto, Inc.	Tire Repair	30.00
Gen, Rd, Visitors Prom	Perennial Public Power	Electricity	536.89
Gen	Pieper's Inc.	Repairs	168.21
Rd	Platte Valley Communications	Radio Repair	15.00
Gen	Polk County Sheriff	Court Costs	50.52
Rd	Power Plan	Repair Parts	863.15
Rd	Precision Industries	Shop Supplies	22.05
Rd	Rasmussen Auto Parts	Repair Parts	20.00
Rd	Sahling Kenworth Inc.	Repair Parts	63.81
Gen	Don Sandman	Reimbursement	617.95
Rd	Sapp Bros. Petroleum, Inc.	Fuel	1,579.00
Visitors Prom	Bob Sautter	Mileage	113.50
Gen	Secretary of State-Election Div	Office Supplies	10.00
Emer Mgnt	Seward County Courthouse	Office Expenditures	3,397.77
Gen	Seward County Sheriff	Court Costs	20.12
Rd	Snap-On Tools	Shop Supplies	38.55
Gen	Svehla Law Offices	Attorney Fees	15.00
Gen	Kelly Thomas	Attorney Fees	82.50
Sheriff	Time Warner Cable	Subscription	70.02
Gen	True Value	Supplies	329.39
Visitors Prom	USA Outdoor II, LLC	Billboard Rental	360.00

Gen, Rd	Verizon Wireless	Telephone Services	186.56
Rd	Village of Bradshaw	Electricity	14.25
Visitors Prom	Web Tech Solutions	Website Maintenance	31.92
Visitors Prom	Wessels Living History Farm	Dues	50.00
Gen	West Payment Center	Research Service	268.42
Gen	Eric Williams	Attorney Fees	465.00
Visitors Prom	York Area Chamber of Commerce	Dues	30.00
Gen, Rd	York Boot-N-Repair	Supplies	30.95
Gen	York County	West Law	671.05
Gen, Rd, Emer Mgnt, Weed	York County Clerk-Petty Cash	Reimbursement	1,357.55
Gen	York County Court	Court Costs	157.00
Visitors Prom	York County Development Corp	Office Expenditures	5,575.51
Gen	York County Sheriff	Reimbursement	1,785.86
Rd	York Equipment	Repair Parts	195.82
Rd	York Farm Supply LLC	Repair Parts	36.00
Gen, Rd, Visitors Prom, Aging, Emer Mgnt	York News-Times	Publication	965.46
Gen, Visitors Prom	York Printing Company, LLC	Office Supplies	140.25
Gen	York Surgical Associates	Medical – Prisoners	145.00

A Public Hearing was held at 11:00 a.m. as advertised to discuss the issue of Roadside Trapping in ditches within the county road right-of-way. Present at the hearing were: County Commissioners Neujahr, Bergen, Bulgrin and Bredenkamp; Brown was absent; County Attorney, Tim Sieh; Melanie Wilkinson, representing the York News Times; James Klute, Bill Bamesberger, Don Robb, York County Highway Superintendent; Darin Gress, representative of the Nebraska Game & Parks; Dave Wellman and David Johanson. Julie Saltzman called prior to the hearing to give testimony.

Concerns voiced were: children, livestock and pets being caught in traps and requesting and receiving permission from landowners to trap.

After hearing all interested parties, the hearing was closed at 11:18 a.m.

Moved by Bredenkamp, seconded by Bergen that York County adopt Resolution #10-19 to prohibit trapping in roadside ditches; roll call: yeas, Bredenkamp, Bergen, Bulgrin and Neujahr; nays, none; Brown absent; motion carried

RESOLUTION #10-19

WHEREAS, Neb. Rev. Stat. §39-1402 (Reissue 2008), provides the general supervision and control of the public roads of each county shall be vested in the county board; and

WHEREAS, Nebraska Legislature has enacted 2009 NEB. LAWS. LB 5, effective March 5, 2009, amending Neb. Rev. Stat. §37-513 to provide the County the authority to adopt a resolution having the force and effect of law to prohibit the trapping of wildlife in the county road right-of-way or in a certain area of the right-of-way as designated by the county; and

WHEREAS, a resolution prohibiting the trapping of wildlife in the county road right-of-way is deemed necessary as an exercise of the County's authority for the following purposes: to protect rural residents of York County who are routinely in and along county road right-of-way in the course of their daily activities; to protect members of the general public who have occasion to be in and along county road right-of-way in connection with their travels and other activities; to protect employees of both public and private entities (e.g. County Engineer, County Sheriff, State Patrol, State Game and Parks, Fire Departments, Ambulance Companies, Power and Water Districts, etc.), whose duties often require them to work in and along county road right-of-way; and to protect the livestock and domestic animals of rural York County residents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of York County, Nebraska, pursuant to the authority under Neb. Rev. Stat. §37-513, that trapping, as defined in Neb. Rev. Stat. §37-243 (Reissue 2008), in and along the entire width of all county road right-of-way including roadside ditches adjacent to the traveled roadway, and beneath bridges within such county road right-of-way, is hereby expressly prohibited and declared to be unlawful.

BE IT FURTHER RESOLVED that all violations of the provisions of this Resolution shall be punishable as provided in Neb. Rev. Stat. §37-248 (Reissue 2008)

DATED THIS 6TH day of April, 2010, at York County.

Don Robb, York County Highway Superintendent and Jack Vavra, City of York Administrator, spoke with the Board regarding a Right-Of-Way request to bury a water line within the York County road ditches and to cross the county road with the line in several areas.

These agreements were entered into prior to the Board meeting, however, the Board at this time is revisiting the issue. Highway Superintendent Robb is asking for the Board's support of the agreements.

Moved by Bulgrin, seconded by Bergen that the county approve the City of York's construction of a water main crossing county roads with placement in county road ditches as determined in the permission approved by both Augustus Brown and Don Robb on the following legal descriptions: Section 5 Township 10 Range 2 and Section 4 Township 10 Range 2. Also between Section 32 Township 11 Range 2 and Section 33 Township 11 Range 2; and Section 33 Township 11 Range 2 and Section 4 Township 10 Range 2. Also between Section 32 Township 11 Range 2 and Section 5 Township 10 Range 2; roll

call: yeas, Bulgrin, Bergen, Bredenkamp and Neujahr; nays, none; Brown absent; motion carried.

**YORK COUNTY
RIGHT-OF-WAY REQUIREMENT
PERMISSION TO CROSS/ENTER/FOLLOW**

This Indenture is made the 16th day of March, 2010 between the County of York, Nebraska, hereinafter called the COUNTY and City of York, hereinafter called the Grantee:

WHEREAS, the COUNTY is charged by law with the responsibility of keeping and maintaining county roads within the county;

AND WHEREAS, the GRANTEE is desirous of following a county road with 8" and 12" water at the following Legal Description, to wit; Section 5 Township 10 Range 2 and Section 4 Township 10 Range 2. Also between Section 32 Township 11 Range 2 and Section 33 Township 11 Range 2. NOTE: Place steel wire with pipe when crossing a road. LOCATION: No. 1 occupy

AND WHEREAS, the COUNTY is agreeable to granting said permission to the GRANTEE under the terms and conditions hereinafter expressed; Beginning 1,100' N of SW corner 5-33 extending 4,000 LF South

Now, this indenture witnesseth as follows:

1. The County agrees and hereby grants permission to the GRANTEE to follow the county road with 8-INCH WATER & 12" W at the above described Legal Description
2. The GRANTEE agrees to notify any or all Utilities Companies that have property in the area that may be disturbed.
3. The GRANTEE agrees to notify the York County Highway superintendent Forty Eight (48) hours in advance of proposed crossing.
4. The GRANTEE agrees that burial of crossing by four (4) Feet below the centerline elevation of roadway and Four (4) Feet below the elevation of ditchline. The GRANTEE further agrees that mechanical methods for compaction or "Flowable Fill" be used to backfill the entire excavated area. Compaction of backfilled area is to be accepted by York County Highway Superintendent or one of his assigns prior to GRANTEE leaving the construction area.
5. If there is more than one utility to cross Right-of-Way, a minimum distance of Twelve (12) Feet is required between any two utilities. Therefore a separate permission is needed for each entering of Right-of-Way.
6. The GRANTEE agrees to leave the York County Right-of-Way in the same condition as was prior to entry by GRANTEE. The parties further agree that the determination of whether the Right-of-Way is properly restored to prior condition shall be by the York County Highway Superintendent or one of his assigns. In the event the said Right-of-Way is determined to be in disrepair or need of further reconstruction, the GRANTEE agrees to reimburse the COUNTY for any expenses incurred in restoring the said Right-of-Way to its original condition.
7. The GRANTEE agrees to pay York County the sum of Ten Dollars (\$10.00) for processing this request. This fee shall accompany any request for permission. If said fee is not presented at time of request, the request for permission shall be null and void.
8. The GRANTEE agrees to construct a magnetic source throughout the entire crossing of COUNTY Right-of-Way. This source must be magnetic so that location of said crossing is easily detectable.
9. The GRANTEE agrees that all construction shall be at Ninety Degrees (90°) to the traveled roadway direction. The only exception that may be acceptable is a proposed crossing within a roadway intersection, and only with the written permission of the York County Highway Superintendent.
10. The GRANTEE agrees to indemnify and hold harmless COUNTY fully for any and all claims made against COUNTY by or on behalf of any person or entity who claims to have suffered any personal injury, property damage or other loss as a result of the use of the right-of-Way by said person or entity which injury, property damage or loss results from or is claimed to have resulted from the condition to said Right-of-Way as a result of the use of the right-of-Way or the burial, construction, compaction or restoration of the Right-of-Way by the GRANTEE.

** Approved on the condition that the line will be bored if done between November 15 and March 31.

In witness whereof we have set our hand on this 26th day of March, 2010.

**YORK COUNTY
RIGHT-OF-WAY REQUIREMENT
PERMISSION TO CROSS/ENTER/FOLLOW**

This Indenture is made the 16th day of March, 2010 between the County of York, Nebraska, hereinafter called the COUNTY and City of York, hereinafter called the Grantee:

WHEREAS, the COUNTY is charged by law with the responsibility of keeping and maintaining county roads within the county;

AND WHEREAS, the GRANTEE is desirous of following a county road with 8" and 12" water at the following Legal Description, to wit; Section 33 Township 11 Range 2 and Section 4 Township 10 Range 2. Also between Section 32 Township 11 Range 2 and Section 5 Township 10 Range 2. NOTE: Place steel wire with pipe when crossing a road. LOCATION: No. 2 occupy

AND WHEREAS, the COUNTY is agreeable to granting said permission to the GRANTEE under the terms and conditions hereinafter expressed; Beginning 700' East of SW Corner of Section 5-33 Extending 1,850 ft. West

Now, this indenture witnesseth as follows:

1. The County agrees and hereby grants permission to the GRANTEE to follow the county road with 18 inch & 8" W at the above described Legal Description
2. The GRANTEE agrees to notify any or all Utilities Companies that have property in the area that may be disturbed.
3. The GRANTEE agrees to notify the York County Highway superintendent Forty Eight (48) hours in advance of proposed crossing.
4. The GRANTEE agrees that burial of crossing by four (4) Feet below the centerline elevation of roadway and Four (4) Feet below the elevation of ditchline. The GRANTEE further agrees that mechanical methods for compaction or "Flowable Fill" be used to backfill the entire excavated area. Compaction of backfilled area is to be accepted by York County Highway Superintendent or one of his assigns prior to GRANTEE leaving the construction area.
5. If there is more than one utility to cross Right-of-Way, a minimum distance of Twelve (12) Feet is required between any two utilities. Therefore a separate permission is needed for each entering of Right-of-Way.
6. The GRANTEE agrees to leave the York County Right-of-Way in the same condition as was prior to entry by GRANTEE. The parties further agree that the determination of whether the Right-of-Way is properly restored to prior condition shall be by the York County Highway Superintendent or one of his assigns. In the event the said Right-of-Way is determined to be in disrepair or need of further reconstruction, the GRANTEE agrees to reimburse the COUNTY for any expenses incurred in restoring the said Right-of-Way to its original condition.
7. The GRANTEE agrees to pay York County the sum of Ten Dollars (\$10.00) for processing this request. This fee shall accompany any request for permission. If said fee is not presented at time of request, the request for permission shall be null and void.
8. The GRANTEE agrees to construct a magnetic source throughout the entire crossing of COUNTY Right-of-Way. This source must be magnetic so that location of said crossing is easily detectable.
9. The GRANTEE agrees that all construction shall be at Ninety Degrees (90°) to the traveled roadway direction. The only exception that may be acceptable is a proposed crossing within a roadway intersection, and only with the written permission of the York County Highway Superintendent.
10. The GRANTEE agrees to indemnify and hold harmless COUNTY fully for any and all claims made against COUNTY by or on behalf of any person or entity who claims to have suffered any personal injury, property damage or other loss as a result of the use of the right-of-Way by said person or entity which injury, property damage or loss results from or is claimed to have resulted from the condition to said Right-of-Way as a result of the use of the right-of-Way or the burial, construction, compaction or restoration of the Right-of-Way by the GRANTEE.

** Approved on the condition that the line will be bored if done between November 15 and March 31.
In witness whereof we have set our hand on this 26th day of March, 2010.

The Board recessed at 12:00 p.m. and reconvened at 1:27 p.m. Commissioner Bulgrin was excused for the afternoon and Commissioner Brown is present.

Treasurer Scavo requested to add and release securities with Cornerstone Bank; to release a security with Henderson State Bank and to release a security with Union Bank & Trust.

Moved by Bredenkamp, seconded by Brown to adopt Resolution #10-20 approving the addition of custody receipts CUSIP #3133XQCH3 & #3136FJKR1 in the total amount of \$3,000,000.; roll call: yeas, Bredenkamp, Brown, Bergen and Neujahr; nays, none; Bulgrin absent; motion carried.

RESOLUTION #10-20

WHEREAS, Cornerstone Bank N.A. was heretofore designated as a depository for county funds and to secure the same from time to time, has heretofore deposited securities with U.S. Bank NA;

BE IT THEREFORE RESOLVED, that the deposit of securities heretofore made to secure the County deposits with said Cornerstone Bank N.A. 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:

Federal Home Loan Bank
Security Description: USD Bonds
Maturity Date: 3/28/2018
CUSIP: #3133XQCH3

Rate: 5.00
Pledged amount: \$2,000,000.00

Federal Natl Mtg Assn.
Security Description: USD notes
Maturity Date: 10/27/2017
CUSIP: #3136FJKR1
Rate: 4%
Pledged amount: \$1,000,000.00

DATED this 3rd day of November, 2009.

Moved by Brown, seconded by Bredenkamp to adopt Resolution #10-21 to release CUSIP #3133XT2K1, 3133XSVZ8 and 3133XSVZ8 in the total amount of \$3,450,000.00; roll call: yeas, Brown, Bredenkamp, Bergen and Neujahr; nays, none; Bulgrin absent; motion carried.

RESOLUTION #10-21

WHEREAS, Cornerstone Bank N.A. 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 N.A. the following security:

Security Description: Federal Home Loan Bank
Cusip: 3133XSVZ8
Maturity Date: 2/12/2019
Issue Date: 2/12/2009
Pledged Amount: \$200,000.00

Security Description: Federal Home Loan Bank
Cusip: 3133XSVZ8
Maturity Date: 2/12/2019
Issue Date: 2/12/09
Pledged Amount: \$1,250,000.00

Security Description: Federal Home Loan Bank
Cusip: 3133XT2K1
Maturity Date: 2/25/2016
Issue Date: 2/25/2009
Pledged Amount: \$2,000,000.00

BE IT THEREFORE RESOLVED that the depository receipts heretofore filed with the County Clerk covering the above described securities, be and hereby are cancelled and discharged, and the County of York hereby releases the said U.S. Bank N.A. Escrow Agent from all liability by reason of the surrender of the said bonds and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipt covering said securities to Cornerstone Bank N.A..

DATED this 6th day of April, 2010.

Moved by Bergen, seconded by Bredenkamp to adopt Resolution #10-22 to release CUSIP #98636PAJ9 from Henderson State Bank; roll call: yeas, Bergen, Bredenkamp, Brown and Neujahr; nays, none; Bulgrin absent; motion carried.

RESOLUTION #10-22

WHEREAS, Henderson State Bank 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 Wells Fargo Bank N.A. in escrow, to secure the County deposits in said Henderson State Bank N.A. the following security:

Security Description: York Cnty Neb Sch Dist #0096
Cusip: 98636PAJ9
Maturity Date: 12/15/2017
Issue Date: 4/17/2008
Pledged Amount: \$35,000.00

BE IT THEREFORE RESOLVED that the depository receipts heretofore filed with the County Clerk covering the above described securities, be and hereby are cancelled and discharged, and the County of York hereby releases the said Wells Fargo Bank N.A. Escrow Agent from all liability by reason of the surrender of the said bonds and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipt covering said securities to Henderson State Bank N.A.

DATED this 6th day of April, 2010.

Moved by Bredenkamp, seconded by Bergen to adopt Resolution #10-23 to release CUSIP#912828GN4 with Union Bank & Trust; roll call: yeas, Bredenkamp, Bergen, Brown and Neujahr; nays, none; Bulgrin absent; motion carried.

RESOLUTION #10-23

WHEREAS, Union Bank & Trust heretofore is 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 Wells Fargo Bank N.A. in escrow, to secure the County deposits in said Union Bank & Trust the following security:

Security Description: U.S. Treasury Inflat Index Note
Cusip: 912828GN4
Maturity Date: 4/15/2012
Issue Date: 4/15/2007
Pledged Amount: \$450,000.00

BE IT THEREFORE RESOLVED that the depository receipts heretofore filed with the County Clerk covering the above described securities, be and hereby are cancelled and discharged, and the County of York hereby releases the said Wells Fargo Bank N.A. Escrow Agent from all liability by reason of the surrender of the said bonds and hereby authorizes and empowers the County Treasurer to surrender the Depository Receipt covering said securities to Union Bank & Trust.

DATED this 6th day of April, 2010.

A proposed agreement was received from the Nebraska Department of Roads regarding Project No. NH-81-2(142) where the State desires the county to provide a registered land surveyor to tie out land monuments prior to construction and tie and remonument after construction.

Moved by Bredenkamp, seconded by Brown to approve the agreement with the State Department of Roads for surveying project NH81-2(142); roll call: yeas, Bredenkamp, Brown, Bergen and Neujahr; nays, none; Bulgrin absent; motion carried.

PROJECT No. NH-81-2(142)
State Control No. 42502
York County
State of Nebraska, Department of roads
Registered Land Surveying

THIS AGREEMENT, made and entered into by and between York County, Nebraska hereinafter referred to as the "County" and the State of Nebraska, Department of Roads, hereinafter referred to as the "State".

WITNESSETH:

WHEREAS, the State has plans for the improvement of US Highway 81 + the S93C spur, from Highway Reference Post 64+50 to Highway Reference Post 71 + 78, under Project No. NH-81-2(142), and

WHEREAS, the State desires the county provide a Registered Land Surveyor to tie out land monuments prior to the above construction and tie and remonument after construction, and

WHEREAS, the County is willing to perform the above said surveying services under the following terms and conditions.

SECTION 1. The County agrees to tie out land monuments as necessary for the above named project prior to construction work beginning and to tie and remonument as necessary after construction is completed, all under the direct supervision of a Registered Land Surveyor. The County further agrees to file the survey with the County Surveyor and/or County Clerk, with the Survey Record Repository in the State Surveyor's Office in Lincoln and with the Deputy State Surveyor in the Roadway Design Division at the Department of Roads' Lincoln Headquarters.

SECTION 2. The State agrees to reimburse the county for the actual cost of the work described in Section 1 above, up to a maximum cost to the State for each land monument of \$100.00 to tie out and \$100.00 to remonument. The maximum cost to the State shall not exceed \$1600.00 for the tie out work and \$1600.00 for the remonument work. The County shall prepare and submit a copy of the survey with the billing of the work completed. All billings shall be forwarded to the State's District 4 Construction Engineer, Keith Meyer, at PO Box 1488, Grand Island, NE 68802-1488. Upon the satisfactory completion of the work, the State will pay the county within thirty (30) days or the completion of an audit by the State, whichever is later.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials' thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this 6th day of April, 2010.

An Agreement between the City of York through York Area Solid Waste Agency and Mosaic was reviewed. This agreement would involve the county as they are a part of the Solid Waste Agency. The term of the agreement runs retroactively effective January 1, 2009 until December 31, 2011 and will renew for subsequent one year periods unless either party gives notice.

Moved by Bergen, seconded by Brown to sign the contract; roll call: yeas, Bergen, Brown, Bredenkamp and Neujahr; nays, none; Bulgrin absent; motion carried.

The agenda was amended to take action on appointing an authorized representative for purposes of FEMA-1878-Dr.

Moved by Brown, seconded by Bredenkamp to authorize Highway Superintendent, Don Robb to be the representative for York County for the federally declared disaster FEMA-1878-DR; roll call: yeas, Brown, Bredenkamp, Bergen and Neujahr; nays, none; Bulgrin absent; motion carried.

Moved by Brown, seconded by Bergen to table action on the Aging Services use of Social Media for Marketing and Advertising Purposes along with the public hearing for the proposed changes on the Aging Bylaws due to the lack of improper notation (no time set on the public hearing); roll call: yeas, Brown, Bergen, Bredenkamp and Neujahr; nays, none; Bulgrin absent; motion carried.

Cynthia D. Heine, York County Clerk and Sharilyn Ramsey submitted their March, 2010 fee reports in the respective amounts of \$15,432.92 and \$12,284.22. The reports were reviewed and placed on file.

Dale Radcliff, County Sheriff submitted his February, 2010 fee report in the amount of \$4,141.10. The report was reviewed and placed on file.

The Chairman declared the meeting adjourned at 1:49 p.m. The next meeting will be April 20, 2010 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.

Augustus M. Brown Jr. Chairman
York County Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska