

The York County Board of Commissioners met according to law on July 26, 2011 at 9:40 a.m. as per notice in the York News Times on July 21, 2011, with Chairman Kurt Bulgrin presiding, with Pat Bredenkamp, Bill Bamesberger, Paul Buller and Tom Shellington. Also present at the meeting were Melanie Wilkinson, correspondent of the York News Times and Bill Sutter, County Attorney.

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 Bredenkamp to approve the minutes of the July 12, 2011 Board of Commissioners meeting as presented; roll call: yeas, Shellington, Bredenkamp, Bamesberger, Buller and Bulgrin; nays, none; motion carried.

Chairman Bulgrin advised that the agenda needed to be amended by adding an Executive Session at 9:40 a.m. to discuss personnel matters at the Road Department.

Moved by Bredenkamp, seconded by Bamesberger to adopt the agenda with the addition of Executive Session for personnel matters at 9:40 a.m. for Tuesday, July 26, 2011 as presented; roll call: yeas, Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

The Board reviewed a General Assistance case.

Moved by Buller, second by Bredenkamp to approve the County Burial in the amount of \$1,675.00 payable to Metz Mortuary; roll call: yeas, Buller, Bredenkamp, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

Interfund Transfers were discussed. It was noted that the Road Department is in need of a funding transfer.

Additional claims were reviewed from Voss Lighting in the amount of \$757.00 through the Energy Grant; SENDD for administrative costs on Energy Grant in the amount of \$1,046.96 (General/Courthouse Fund) and Constructors Inc. in the amount of \$199,803.01 out of the Road Fund.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #11-41 to transfer \$450,000.00 from the Inheritance Tax Fund to the County Road Fund to be repaid at the time that tax receipts come in; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

RESOLUTION #11-41

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 26th of July, 2011, to discuss and act on an emergency created in the funds available in the County Road Fund to operate until the end of the fiscal year which will be completed on June 30, 2012; and

WHEREAS, operating expenses have unexpectedly exceeded revenue; and

WHEREAS, the York County Board of Commissioners has been advised by the County Clerk that a deficit appropriation in the sum of \$450,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the Road Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$450,000.00 for the Road Fund for the remainder of the fiscal year ending June 30, 2012 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become available.

Dated this 26th day of July, 2011.

Moved by Bredenkamp, seconded by Shellington to approve payroll in the amount of \$123,626.78 and vendor claims along with the additional claims presented by the County Clerk; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Fund	Name	Description	Total
Rd	Ace Irrigation and Mfg	Culverts	6,271.90
Inher Tax	American AED, Inc.	Safety Equipment	4,725.00
Gen	Automated Systems	Data Proc Equipment	253.26
Aging	Bag N Save	Supplies	908.78
Aging	Allan Bastyr	Senior Citizen Program	50.00
Rd	Bauer Built Tire	Tire Repair	559.21
Gen	Bob Barker Company, Inc.	Equipment	178.36
Gen	Blue Knight Security, Inc.	Security Contract	972.00
Gen	Marjorie Braman	Retirement	11.00
Gen	George Brugh	Mental Health Board	112.50
Rd	Car Parts Inc.	Grease/Oil	533.30
Visitors Prom	Cash-Wa Candy Company	Promotional Supplies	60.32
Aging	Cash-Wa Distributing Co.	Supplies	378.31
Gen	Gary Charlton	Retirement	11.00
Gen	Donna Connelly	Court Costs	144.34
Rd	Constructors, Inc.	Bituminous Surfacing	199,803.01
Gen, Juv DV	Corporate Payment Systems	Reimbursement	2,478.06

Gen	Cornerstone Bank	Data Proc Equipment	79.05
Gen	Byron Covey	Mileage	31.64
Gen	Creighton Medical Laboratories	Coroner/Autopsy Costs	397.84
Rd	Cross-Dillon Tire	Tire Repair	742.95
Gen	Data Tech Computer Serv	Computer Repair	150.00
Weed	Doug Deprez	Reimbursement	300.00
Rd	DXP Enterprises, Inc.	Shop Tools	149.69
Gen, Aging, Emer Mgnt, Visitors Prom	Eakes Office Plus	Office Supplies	479.98
Rd	Express Truck Center – York	Repair Parts	28.12
Gen	Dr. Todd Fago	Court Costs	350.00
Rd	Fairbanks Grand Island	Repair Parts	286.09
Rd	Farm Plan	Repair Parts	164.51
Weed	Farmers Cooperative	Fuel	30.00
Gen	Fillman Law Offices	Attorney Fees	1,785.00
Rd	Filter Care	Repair Parts	97.40
Gen	First Concord Benefits Group, LLC	Insurance	5,085.84
Gen	Tom Gassman	Court Costs	20.00
Aging	Grand Central Foods	Supplies	101.13
Gen	Harry Hecht	Retirement	16.00
Aging	Janet Hines	Reimbursement	52.66
Gen	Nancy Hoblyn	Mental Health Board	112.50
Gen	Hometown Leasing	Equipment Rental	2,217.29
Rd	Hooker Bros. Sand & Gravel, Inc.	Gravel	12,222.76
Gen	Jaime L. Hopp Hegr	Attorney Fees	412.50
Gen, Rd	Jackson Services	Building Maintenance	161.81
Gen	Angie Johnson	Mileage/Meals	186.48
Rd	Johnson Sand & Gravel Co., Inc.	Gravel	13,045.50
Gen	Lancaster County Youth Services Ctr	Juvenile Care Costs	177.00
Rd	Lawson Products, Inc.	Shop Supplies	72.42
Rd	Lichti Bros Oil Co Inc.	Fuel	22,233.60
Rd	Lyle Signs, Inc.	Signs & Posts	46.70
Rd	Mac Tools Distributor	Shop Tools	9.23
Gen	Jeanette Maske	Court Costs	20.00
Rd	Matheson Tri-Gas, Inc.	Repair Parts	249.78
Gen	Midwest Door and Hardware	Equipment	179.89
Gen	Momar, Inc.	Janitorial Supplies	336.94
Weed	Moses Motor Co.	Weed Equipment Repair	201.80
Gen	Naber's Repair Service	Equipment	30.75
Gen	Ne Air Filter, Inc.	Building Maintenance	389.70
State Inst	Ne Health & Human Services	Monthly Fees	540.00
Gen	Ne Public Health Environmental Lab	Drug & Alcohol Tests	252.00
Gen	Nebraskaland Glass	Vehicle Maintenance	25.85
Gen	Beverly Nelson	Meals	8.66
Rd	NMC Exchange LLC	Grader Blades	1,672.56
Gen	North Office Supply	Office Supplies	376.40
Gen	Northeast Ne Juvenile Services	Juvenile Care Costs	765.00
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	363.39
Rd	O'Reilly Auto Parts	Repair Parts	66.45
Rd	Orscheln Farm and Home	Shop Supplies	65.70
Rd	Overland Sand & Gravel Company	Gravel	17,871.97
Gen	Lynn Peavey Company	Drug & Alcohol Tests	95.76
Rd	Penner's Tire & Auto, Inc.	Tire Repair	39.49
Gen, Rd	Perennial Public Power District	Electricity	280.57
Gen	Platt River Inn	Lodging	89.99
Rd	Power Plan	Repair Parts	381.35
Rd	Power Service Inc.	Shop Supplies	89.95
Rd, Weed	Rasmussen Auto Parts	Shop Supplies	42.61
Gen	Redfield & Company, Inc.	Office Supplies	398.04
Gen	Melvin Reetz	Retirement	12.00
Gen	Region V Services	Quarterly Fees	6,081.00
Gen, State Inst	Region V Systems	Quarterly Fees	9,506.25
Rd	Robidoux, Inc.	Repair Parts	250.73
Rd	Sahling Kenworth Inc.	Repair Parts	327.54
Visitors Prom	Bob Sautter	Office Supplies	33.32
Gen	Southeast Ne Development District	Capital Outlay	1,046.96
Gen	Stahr and Associates	Contractual Services	1,700.00
Gen	State of Ne Das Central Finance	Data Proc Equipment	48.25
Gen	State of Ne Dept Correctional Services	Court Costs	35.05
Gen	Bruce Stephens	Attorney Fees	1,170.00
Gen	Svehla Law Offices	Attorney Fees	910.50
Gen	Bern Tuttle	Retirement	69.24
Rd	Village of Bradshaw	Electricity	9.48
Rd	Village of McCool Junction	Water/Sewer	36.00
Gen	Voss Lighting	Capital Outlay	757.0
Visitors Prom	Waitt Outdoor, LLC	Media-Advertising	440.00
Gen	Nancy Waldron	Mileage	59.94

Visitors Prom	Web Tech Solutions	Website Maintenance	25.00
Gen	Christine Weldon	Court Costs	20.00
Rd	Weldon Industries, Inc.	Repair Parts	10.20
Gen, E911,			
Relief, 911	Windstream Communications	Telephone Service	2,275.44
Gen	JS Wurm & Associates	Court Costs	208.00
Rd	York Ace Hardware	Building Maintenance	6.47
Rd	York Boot-N-Repair	Repair Labor	40.00
Gen	York County Clerk	Office Supplies	25.42
Gen	York County Court	Court Costs	54.00
Gen, Weed	York County Highway Dept	Fuel	5,463.21
Gen	York County Sheriff	Unpaid Monthly Fees	1,951.58
Rd	York County Treasurer	Registration	10.00
Rd	York Equipment, Inc.	Repair Parts	9.77
Gen	York General Hospital	Drug & Alcohol Tests	254.50
Rd, Visitors			
Prom	York News-Times	Publication	112.12
Gen	Richard Ziegler	Court Costs	53.30
Gen	Gary Zoubek	Mileage	349.49

Moved by Bredenkamp, seconded by Shellington to go into executive session at 9:51 a.m. to discuss personnel matters with the County Attorney and Interim Highway Superintendent present; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Moved by Buller, seconded by Bamesberger to come out of executive session at 10:14 a.m. where no action was taken; roll call: yeas, Buller, Bamesberger, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

At this time, the Board has determined that it would be in the best interest of the County to vacate/abandon all or a portion of 2 county roads, that being County Road 17 between Road J and K and also the West half mile of Road 20 between Road D and E as determined by the Highway Superintendents road study.

Moved by Bamesberger, seconded by Buller to adopt Resolution #11-42 to set a public hearing for the closure of Road 17 between J and K (entire mile) at 10:00 a.m. on August 23, 2011 in the York County Board of Commissioners Room; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

RESOLUTION #11-42

WHEREAS, the York County Board of Commissioners directed the County Highway Superintendent to study the use being made of the public roads and right of way described as the mile on the south side of Section 10, Township 11 North, Range 3 West of the 6th P.M. in York County Nebraska, and the mile on the North Side of Section 15, Township 11 North, Range 3 West of the 6th P.M. in York County, Nebraska; and

WHEREAS, THE York County Highway Superintendent has reported in writing the results of such study and recommended the vacation and abandonment of said road and right of way of the following:

York County Road 17, between Road J and Road K. The vacation of road includes the South Side of Section 10, Township 11 North, Range 3 West of the 6th P.M. in York County Nebraska, and the North Side of Section 15, Township 11 North, Range 3 West of the 6th P.M. in York County, Nebraska.

WHEREAS, Section 39-1724 of the Nebraska Revised Statutes requires that the Notice of this meeting shall be published once a week for three consecutive weeks in a legal newspaper published in the County and whenever possible the Board shall cause copies to be served by either registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned.

NOW, THEREFORE, BE IT RESOLVED the Board has determined that said public hearing shall be held in the York County Courthouse, Commissioner's Board Room, lower level, on August 23, 2011 at the hour of 10:00 a.m. to hear testimony concerning the proposed abandonment of the tracts listed above.

Dated this 26th day of July, 2011.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution #11-43 to advertise for public hearing the closure of Road 20 between D and E (west half) for August 23, 2011 at 11:00 a.m. in the York County Board of Commissioners Room; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

RESOLUTION #11-43

WHEREAS, the York County Board of Commissioners directed the County Highway Superintendent to study the use being made of the public roads and right of way described as the West half mile on the South side of Section 27, Township 12 North, Range 4 West of the 6th P.M. in York County, Nebraska, and the West half mile on the North Side of Section 34, Township 12 North, Range 4 West of the 6th p.m. in York County, Nebraska; and

WHEREAS, THE York County Highway Superintendent has reported in writing the results of such study and recommended the vacation and abandonment of said road and right of way of the following:

York County Road the West half mile of Road 20, between Road D and Road E. The vacation of road includes the West half mile on the South side of Section 27, Township 12 North, Range 4 West of the 6th P.M. in York County Nebraska, and the West half mile on the North Side of Section 34, Township 12 North, Range 4 West of the 6th P.M. in York County, Nebraska.

WHEREAS, Section 39-1724 of the Nebraska Revised Statutes requires that the Notice of this meeting shall be published once a week for three consecutive weeks in a legal newspaper published in the County and whenever possible the Board shall cause copies to be served by either registered or certified mail upon the owners of land abutting on or adjacent to the road to be vacated or abandoned.

NOW, THEREFORE, BE IT RESOLVED the Board has determined that said public hearing shall be held in the York County Courthouse, Commissioner's Board Room, lower level, on August 23, 2011 at the hour of 11:00 a.m. to hear testimony concerning the proposed abandonment of the tracts listed above.

Dated this 26th day of July, 2011.

Ben Gotschall appeared before the Board regarding the Haul Route Agreement between York County and TransCanada Keystone Pipeline, LP which will be used during construction of the Keystone pipeline. He advised the Board of the impact it had on the construction routes used in Montana. He encouraged them to mandate that they be included when a third party consultant is chosen who conducts a pre-construction assessment of County Roads to determine their suitability as a potential Haul Road. Also, he felt that the agreement should not be signed until the State Department makes a decision on the pipeline and the Presidential Permit is issued.

Tracy Calhoun, Permit Specialist on the project; Ron Comes, Legal Council for TransCanada; Bud Anderson, with Keystone XL; Butch Wallace, EXP Engineering and Jeff Rauh with public relations, answered questions regarding the Haul Route Agreement on behalf of TransCanada.

County Attorney Sutter stated that there should be a change to the agreement as last revised which would include "that the third party be picked mutually by pipeline and County at the agreement of both." Included in the decision would be the County Attorney and Interim Highway Superintendent.

Commissioner Buller asked that there be a one person contact for landowners, county residents to contact should they have an issue that needed addressed. That everyone that is on the route should receive a letter that their going to be effected along with a contact person.

The matter was tabled to a future date to allow time to obtain further information.

The Board interviewed Marlin Kliewer of Wymore, Nebraska for the position of Highway Superintendent.

Bulgrin advised that the ADA Policy is not yet available for review.

A request was made by the Extension Office to allow use of Compensatory Time for employees during the County Fair time.

Moved by Bulgrin, seconded by Bamesberger to adopt a Compensatory Time policy for county employees that allows them to acquire a maximum of 80 hours of comp time that must be used within 90 days of accumulation; said comp time must be approved by the department head or elected official; comp time must be used before vacation time is used; employee must indicate to their superior if they want to acquire comp time or overtime (other than those employed through the Sheriff/Road); roll call: yeas, Bulgrin, Bamesberger, Bredenkamp, Shellington and Buller; nays, none; motion carried.

Under discussion regarding the establishment of a sick bank for the Road Department, it was determined that the subject is currently addressed in the Union Contract; therefore no action need be taken.

Treasurer Scavo requested the release of a \$3,000,000.00 security with Cornerstone Bank.

Moved by Bredenkamp, seconded by Buller to adopt Resolution #11-44 to release CUSIP#313372AD6 with Cornerstone Bank in the amount of \$3,000,000; roll call: yeas, Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; nays, none; motion carried.

RESOLUTION #11-44

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
1-5-2021 Bonds
Maturity Date: 01/05/2021
CUSIP: #313372AD6
Pledged amount: \$3,000,000.00

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 Cornerstone Bank, 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 Receipts covering said securities to Cornerstone Bank.

DATED this 26th day of July, 2011

Moved by Bamesberger, seconded by Bredenkamp to authorize the Chairman to sign the Application, Certificate for Payment #2 (final) and Change Order #1 for the Bradshaw North Overlay Project; roll call: yeas, Bamesberger, Bredenkamp, Buller, Shellington and Bulgrin; nays, none; motion carried.

A tort claim was filed by Robert and Lori Fisher asking for payment of damages to their windshield by a County gravel truck.

Moved by Buller, seconded by Bamesberger to take no action and refer it to our insurance company; roll call: yeas, Buller, Bamesberger, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

An invoice and request for EECBG Funds was submitted by SENDD (Southeast Nebraska Development District) for payment of administrative costs for the Energy Grant.

Moved by Bamesberger, seconded by Buller to authorize the Chairman to sign the request; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

The Board discussed the position of the Custodial Supervisor as the current supervisor is retiring. It was felt that someone should be hired by September 12th if possible.

Moved by Bamesberger, seconded by Bredenkamp to advertise for a full time Custodial Supervisor with interviews to be conducted on August 23, 2011; roll call: yeas, Bamesberger, Bredenkamp, Buller, Shellington and Bulgrin; nays, none; motion carried.

The company which is installing the new boiler for the courthouse advised that a water softener would help it last longer and work more efficiently and would also assist with other systems in the courthouse. An estimate of \$32,229.91 was submitted. This may qualify as an addition to the Energy Loan. The matter will be researched.

Committee reports were given.

Dale Radcliff, County Sheriff, submitted his June 2011 fee report in the amount of \$3,110.16. The report was reviewed and placed on file.

Due to time constraints, the Board will tour the County Jail at the next regularly scheduled meeting.

The Chairman declared the meeting adjourned at 12:35 p.m. The next meeting will be held August 9, 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.

Kurt Bulgrin, Chairman
York County Board of Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska