

The York County Board of Commissioners met according to law on October 4, 2011 at 9:39 a.m. as per notice in the York News Times on September 29, 2011, with Chairman Kurt Bulgrin presiding, with Pat Bredenkamp, Bill Bamesberger, Paul Buller and Tom Shellington. Melanie Wilkinson, correspondent for the York News Times was also present.

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 Buller to approve the minutes of the September 20, 2011 Board of Commissioners meeting; roll call: yeas, Shellington, Buller, Bredenkamp, Bamesberger and Bulgrin; nays, none; motion carried.

Moved by Shellington, seconded by Bamesberger to adopt the agenda for Tuesday, October 4, 2011 as presented; roll call: yeas, Shellington, Bamesberger, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

The Board reviewed a General Assistance case.

Moved by Shellington, seconded by Buller to approve General Assistance case #11-33 for rent payable to JKB Apartments in the amount of \$380.00; roll call: yeas, Shellington, Buller, Bamesberger, Bredenkamp and Bulgrin; nays, none; motion carried.

There were no interfund transfers to be brought before the Board.

A Local 251 Official Grievance was filed by Justin Jacobsen against the York County Road Department. Jacobsen was terminated on September 8 2011 following an accident in which a County owned semi tractor and trailer were totaled on August 24, 2011 while Jacobsen was driving and making an improper turn. Jacobsen is asking for reinstatement.

Present at the hearing were Kevin P. Brown of Local 251 representing Justin Jacobsen, County Commissioners Bredenkamp, Buller, Bamesberger, Shellington and Bulgrin; Deputy County Attorney Candace Dick and Bradley Covert, Acting Highway Superintendent.

Grievance: Mr. Jacobsen was terminated as of September 8<sup>th</sup>, 2011. The York County representatives (Road Superintendent and County Commissioners) violated contractual provisions:

Article 15.1 (B) Major Violation (18) This is Mr. Jacobsen's 3<sup>rd</sup> offense which constitutes a five (5) days suspension.

Article 15.2 See attachment A

Article 15.6 See attachment B

Representatives of York County have also violated Mr. Jacobsen's due process, i.e., Loudermill hearing. See attachment C.

The Board, Deputy County Attorney and Local 251 agreed during the meeting to waive time limits. At this time, the Board needs to either accept or deny the grievance.

Moved by Bamesberger, seconded by Bredenkamp to table the decision to accept or deny the grievance until the next regularly scheduled Board Meeting which would be October 18, 2011; roll call: yeas, Bamesberger, Bredenkamp, Shellington, Buller and Bulgrin; nays, none; motion carried.

Cassie Seagren, executive director of York County Development Corporation along with Doug Bice, corporate project development manager for Abengoa Bioenergy-New Technologies came before the Board to inform them of a proposed new facility which would use crop residue to create ethanol. The Board encouraged Bice and Abengoa to pursue the proposed project in York County.

At a previous board meeting, County Clerk Cynthia D. Heine requested permission to engage outside legal council during the Sutter recall process. Due to the nature of the petition, the County Attorney and Deputy County Attorney cannot serve in that capacity.

Clerk Heine had received information that Attorney Julie Reiter of Osceola had previous experience with election issues. Reiter was present to speak with the Board. She is the Butler County Attorney and also in private practice.

Moved by Bredenkamp, seconded by Bamesberger to approve the help of Attorney Julie Reiter for the Clerk's legal council in conjunction with the County Attorney Recall Petition; roll call: yeas, Bredenkamp, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

An agreement was entered into for professional services for on-call (NEPA) National Environmental Policy Act services on project number STPE-2690(3) Lushton Northeast.

Moved by Bamesberger, seconded by Shellington to sign the Engineering Agreement and adopt Resolution #11-71 for Project #STPE-2690(3) on the Lushton Northeast road project; roll call: yeas, Bamesberger, Shellington, Buller, Bredenkamp and Bulgrin; nays, none; motion carried.

**RESOLUTION #11-71  
SIGNING OF AN ENGINEERING SERVICES AGREEMENT  
YORK COUNTY**

**Whereas:** York County is developing a transportation project for which it intends to obtain Federal funds;

**Whereas:** York County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said

funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** York County and Parsons, Brinkerhoff, Inc. wish to enter into an Engineering Services Agreement to provide/complete National Environmental Policy Act (NEPA) Services for the Federal-aid project.

**Be It Resolved:** by the Board of Commissioners of York County, Nebraska that: Kurt J. Bulgrin, Chairman of the Board of Commissioners of York County is hereby authorized to sign the attached Engineering Services Agreement between York County and Parsons, Brinkerhoff, Inc., Consultant.

NDOR Project Number: STPE-2690(3)  
NDOR Control Number: 42372  
NDOR Project Description: Lushton Northeast

Adopted this 4<sup>th</sup> day of October, 2011 at York County, Nebraska.

Ron Willnerd of Contryman Associates, P.C. met with the Board regarding their audit proposal for both a one year and three year proposals (\$12,500 for 2011; \$13,000 for 2012 and \$13,500 for 2013 along with an additional charge of up to \$4,000 for the first year).

A proposal was also received from the State Auditors office in the amount of not to exceed \$15,000 each year for the years 2011, 2012 and 2013.

Moved by Buller, seconded by Shellington to enter into an agreement with Contryman Associates, Inc. for a three year period; roll call: yeas, Buller, Shellington, Bredenkamp, Bamesberger and Bulgrin; nays, none; motion carried.

Mike Teeter of Nebraska Public Power District spoke with the Board regarding the Energy Grant and benchmarking program for the courthouse. A change order was requested to add lighting for the quonset hut at the Road department in the amount of \$510.00 and Maintenance Shop at Road department for \$2,522.00 (amendment #1); and the County Aging Office \$1,310.00; Historical Office \$764.00 and Courthouse \$326.00 (amendment #2).

Moved by Bamesberger, seconded by Buller to amend the grant to add lighting for the quonset hut at the Road department in the amount of \$510.00 and Maintenance Shop at Road department for \$2,522.00; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

Moved by Bredenkamp, seconded by Bamesberger to authorize the change order for the EECBG grant to include the County Aging Office \$1,310.00; Historical Office \$764.00 and Courthouse \$326.00; roll call: yeas, Bredenkamp, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

Incentive funds were received for County Attorney Child Support Enforcement in the amount of \$101.42. This amount was incorrectly placed in the Incentive Fund but instead should have been placed in the General Fund under Child Support Enforcement.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution#11-72 to transfer \$101.42 from the County Attorney Child Support Enforcement Incentive Fund to the County General Fund under the County Attorney Child Support Enforcement; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-72**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 4th day of October, 2011, to discuss and act on a correction to be made on funds placed in the County Attorney Child Support Enforcement-Incentive Fund, which should have been placed in the General Fund-County Attorney Child Support in the amount of \$101.42;

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that a correction be made and hereby directs a transfer from the County Attorney Child Support Enforcement-Incentive Fund to the General Fund-County Attorney Child Support in the amount of \$101.42;

DATED this 4th day of October, 2011.

The Board reviewed the payroll and vendor claims.

Moved by Bamesberger, seconded by Buller to approve the payroll in the amount of \$121,407.99 vendors as presented; roll call: yeas, Bamesberger, Buller, Shellington, Bredenkamp and Bulgrin; nays, none; motion carried.

<b>Fund</b>	<b>Name</b>	<b>Description</b>	<b>Total</b>
Rd	Aurora Cooperative Elevator Co.	Equipment	23,166.18
Gen	Bob Barker Co, Inc	Equipment	130.13
Gen/Rd	Black Hills Energy	Heating Fuel	371.20
Gen	Blue Knight Security, Inc	Security Contract	606.00
Gen	Patricia Bredenkamp	Mileage	53.84
Rd	Car Parts, Inc	Equip/Supplies	213.18
Inher Tax	CASA for York County	Specialized Program	30,074.00
Visitor Prom	Cash-Wa Candy Co	Supplies	81.40
Gen	Charlie's U Save Pharmacy	Medical	115.31
Gen	Ann Charlton	Mileage	679.88
Gen	City of York	Water	1,385.04

Gen	Codex Corporation	Maintenance Agreement	3,196.00
Gen	Continental Research Corp	Supplies	434.60
Gen	Don Copeland	Telephone Service	260.00
Gen	Cornerstone Insurance Group	Supplies	50.00
Visitor Prom	Corps of Discovery Welcome Center	Dues	125.00
Weed	Crop Production Services	Weed Control	1,300.00
Rd	Cross-Dillon Tire	Equipment	1,880.00
Gen	Douglas County Treasurer	Autopsy	250.00
Gen/Visitor			
Prom	Eakes Office Plus	Equip/Supplies	373.34
Rd	Farm Plan	Equip/Supplies	70.60
Weed	Farmers Cooperative	Equipment	15.00
Rd	Fastenal Industrial & Const Supply	Equipment	11.39
Gen	Fillman Law Offices	Attorney Fees	3,657.31
Rd	Filter Care	Equipment	321.15
E911 Wireless	GeoComm, Inc	Equipment	9,812.00
Rd	Hansen International Truck, Inc	Equipment	221.75
Visitor Prom	Henderson Chamber of Commerce	Grants	2,000.00
Gen	Hometown Leasing	Equipment Rental	370.00
Rd	Hooker Bros. Sand & Gravel, Inc	Gravel	18,597.74
Relief	JBK Apts, LLC	Rent	380.00
Gen	Jackson Services, Inc.	Building Maintenance	130.16
Rd	JEO Consulting Group, Inc.	Engineering	2,964.00
Rd	Johnson Sand & Gravel Co. Inc.	Gravel	9,765.00
Gen	JW Jones MD	Autopsy	920.00
Gen	Kirkham Michael Engineers	Supplies	226.50
Gen	Eileen Krumbach	Mileage	300.00
Visitor Prom	The Lamar Companies	Media	470.00
Gen	Lancaster County Youth Services Ctr	Juvenile Care	1,357.00
Gen	LaRue Distributing, Inc.	Equipment	44.40
Gen	Lawson Products, Inc.	Supplies	176.40
Rd	Lichti Bros Oil Co, Inc.	Equipment	22,334.40
Gen	Loup Valley Lighting, Inc.	Building & Grounds	319.60
Rd	Mac Tools Distributor	Shop Tools	77.99
Gen	Tina M Marroquin	Attorney Fees	450.00
Gen/Rd	Mead Lumber & Rental-York	Grounds Repair	46.24
Rd	Medical Enterprises, Inc.	Equipment	124.00
Gen	Bradley Melby	Telephone Service	260.00
Gen	Mid America First Call, Inc.	Autopsy	270.00
Gen	Naber's Repair Service	Building & Grounds	30.00
Gen	National Association of Counties	Dues	400.00
Gen	Nebraska Dept of Motor Vehicles	Court Costs	8.00
State Inst	Nebraska Health & Human Services	Monthly Fees	1,568.00
Gen	Nebraska Public Power District	Electricity	5,553.13
Rd	Nebraskaland Glass	Equipment/Repair	175.00
Rd	NMC Exchange LLC	Equipment/Repair	1,113.82
Gen	Tami Norquest	Appraiser's Fees	13.98
Gen	North Office Supplies	Supplies	230.11
Gen	NSBA	Dues	135.00
Gen	O'Keefe Elevator Co. Inc.	Maintenance Agreement	363.39
Rd	O'Reilly Auto Parts	Equipment	106.19
Rd	OfficeNet	Supplies	73.95
Rd	Orscheln Card Center	Equip/Supplies	80.05
Rd	Overland Sand & Gravel Co.	Gravel	11,809.41
Gen	Perennial Public Power District	Electricity	118.30
Gen	Gerald Peterson	Mileage	185.37
Gen	Pieper Plumbing & Well Drilling Inc.	Building & Ground	195.05
Gen	Dale Radcliff	Dues	7.01
Rd	Rasmussen Auto Parts	Tools/Equip	101.10
Rd	Safety-Kleen Systems	Equip Rental	367.62
Rd	Sellers Equipment, Inc.	Equip Rental	77.97
Gen	Sleuth Software	Maintenance Agreement	2,143.77
Rd	National Financial Services	Motor Graders	178,228.21
Rd	Snap-On Tools	Shop Tools	457.95
Visitor Prom	Snitily Carr	Media	4,595.00
Rd	Source Gas Distribution LLC	Easement	1,922.32
Rd	Speece Lewis Engineers	Engineering	6,545.00
Gen	DAS Central Finance/DAS Comm	Equipment Rental	448.00
Gen	Dept Correctional SVCS	Board of Prisoner	2,175.12
Gen	Bruce Stephens	Attorney Fees	1,260.00
Gen	Text & Data Technologies, Inc.	Maintenance Agreement	1,000.00
Gen	Time Warner Cable	Dues	73.53
Gen	UNL Computer Store	Equipment	194.00
Visitor Prom	UNL Extension Seward County	Mileage	31.20
Gen	VPI Inc.	Maintenance Agreement	1,906.00
Visitor Prom	Waco Community Betterment Org	Grants	1,000.00
Inher Tax	York Adopt-A-Pet	Animal Care	4,000.00

Gen	York County Court	Court Cost	332.00
Gen	York Electronics	Supplies	19.77
Gen/Weed	York News Times	Publication	1,647.40
Gen	York Printing Company, LLC	Supplies	533.43

A proposal was received from Masonry Construction Inc. for tuckpointing the courthouse. In their proposal, they addressed only the 2<sup>nd</sup> story windows at the east elevation and 1<sup>st</sup> and 2<sup>nd</sup> story windows at the south elevation. Karr's Tuckpointing bid the entire courthouse and the bid did not break it down by areas.

Moved by Bamesberger, seconded by Bredenkamp to table the decision to allow a break down of the proposal from Karr Tuckpointing until the next meeting; roll call: yeas, Bamesberger, Bredenkamp, Buller, Shellington and Bulgrin; nays, none; motion carried.

Treasurer Scavo requested release of securities from Cornerstone Bank.

Moved by Bredenkamp, seconded by Shellington to adopt Resolution #11-73 to release custody receipts with Cornerstone Bank CUSIP#3133732V3 for \$2,000,000 and CUSIP#313372Z49 for \$500,000; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

#### **RESOLUTION #11-73**

**WHEREAS**, Cornerstone Bank was heretofore designated as a depository for County Funds and to secure the same from time to time, has heretofore deposited in 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  
04/04/2018 Bonds  
Maturity Date: 4/4/18  
CUSIP: #3133732V3  
Pledged amount: \$2,000,000.00

Federal Home Loan Bank  
3/23/26 Bonds  
Maturity Date: 3/23/26  
CUSIP: #313372Z49  
Pledged amount: \$500,000.00

**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 4th day of October, 2011

Annually, the Board must file a certification with the Board of Public Roads Classification and Standards for York County.

Moved by Bamesberger, seconded by Buller to sign the Certification to Board of Public Roads Classifications and Standards; roll call: yeas, Bamesberger, Buller, Bredenkamp, Shellington and Bulgrin; nays, none; motion carried.

#### CERTIFICATION TO BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

In compliance with the provisions of the State of Nebraska Statutes Requiring Annual reporting to the Board of Public Roads Classifications, the County of York, Department of Roads hereby certifies that the minimum standards of design, construction, and maintenance of roads, streets, and highways under their authority have been met; and all tax revenues, including State, County, and Municipal tax revenues as well as highway-user revenue allocations for roads, streets, and highways, has been expended in accordance with approved plans and standards and the rules and regulations of the Board of Public Roads Classifications and Standards for the period beginning July 1, 2010 and ending June 30, 2011.

Documentation in support of this certificate is on file in the office of the appropriate official and this information is available to the Board upon written request and is located at 722 E 25<sup>th</sup> Street, York, Nebraska.

On This 4<sup>th</sup> day of October, 2011.

A request was received to place signs promoting the Nebraska Czechfest to be held on Sunday, October 9<sup>th</sup>.

Moved by Bredenkamp, seconded by Shellington to grant permission to Dave to use the Courthouse lawn to place signs on the Courthouse lawn promoting the Nebraska Czechfest; roll call: yeas, Bredenkamp, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Treasurer Scavo submitted the September 30, 2011 Fund Balances.

General	\$765,317.54
Road	\$926,043.80
Juvenile Diversion	\$8,494.31
Child Support Enforcement	\$101.42
Unemployment Security	\$15,095.47
Area on Aging	\$39,191.29

Relief & Medical	\$4,916.51
State Institutions	\$14,316.88
Veterans Aid	\$22,894.20
Busy Wheels	\$10,739.50
STOP	\$14,166.58
Debt Services	\$201,495.79
Inheritance Tax	\$1,195,038.99
911 Wireless Service	\$38,067.80
Emergency Mgmt	\$36,174.98
Law Enforcement/Sheriff	\$19,353.02
Noxious Weed District	\$20,439.64
Ambulance	\$113,648.17
911 Emergency	\$70,185.87
CDBG	\$9.50
County Visitors Impr Fund	\$191,099.69
Visitors Promotion	\$73,521.19

The Chairman declared the meeting adjourned at 11:39 a.m. The next meeting will be held October 18, 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