

The York County Board of Commissioners met according to law on Tuesday, April 30, 2013 at 8:38 a.m. as per notice in the York News Times on April 25, 2013, with Chairman Kurt Bulgrin presiding, with Bill Bamesberger, Tom Shellington, Paul Buller and Jack Sikes. Also present at the meeting was Melanie Wilkinson, correspondent for the York News Times.

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 Act was posted outside the door along with copies in the back of the Board Room. Proof of publication was also available.

Moved by Bamesberger, seconded by Shellington to approve the minutes of the April 16, 2013, Board of Commissioners meeting; roll call: yeas, Bamesberger, Shellington, Sikes, Buller and Bulgrin; nays, none; motion carried.

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

A Grant Application for funding through the Visitors Bureau Improvement Fund was reviewed. The Henderson Heritage & Tourism Committee requested financial assistance to construct a Railroad Depot in the Henderson Mennonite Heritage Park. The total cost for the project is \$96,487.25. They are requesting a grant in the amount of \$48,243.63.

Moved by Bamesberger, seconded by Shellington to approve the Visitors Committee recommendation and award a maximum of \$48,243.00 over a two (2) year period; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

The Board revisited the bid received on April 16, 2013 for gravel from Hooker Brothers Gravel Company. It was noted that there had been no bid bond included with the bid and that no correspondence was made between the bidder and the clerk prior to the bid opening.

Moved by Bamesberger, seconded by Buller to comply with the motion made at the last board meeting and reject the bid due to lack of a new bond and also to return the current check from the prior year's bid; roll call: yeas, Bamesberger, Buller, Sikes, Shellington and Bulgrin; nays, none; motion carried.

At the previous board meeting, bids were solicited for a skid steer loader, however, no bids were received. The Road Department then contacted local firms to request quotes. Quotes were received from York Equipment in the amount of \$50,618.99 less trade-in of \$49,142.84 leaving a total of \$2,250.00 and from Plains Equipment Group of York in the amount of \$50,374.86 less trade-in of \$38,000.00 leaving a total of \$12,374.86.

Moved by Sikes, seconded by Bamesberger to approve the quote from York Equipment in the amount of \$2,250.00 with the trade-in of the 2012 Bobcat S-650; roll call: yeas, Sikes, Bamesberger, Buller, Shellington and Bulgrin; nays, none; motion carried.

The Board reviewed the Supplemental Federal Funds Purchase Program Agreement with the Nebraska Department of Roads. This would allow York County to continue to receive a distribution of State cash designated for bridge repair and maintenance.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #13-17 and authorize the Chairman to sign the Supplemental Agreement #1 of the Federal Funds Purchase Program; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

RESOLUTION #13-17

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, York County and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

BE IT RESOLVED: by the governing body of York County that: Kurt Bulgrin, Chairman is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between York County and the NDOR.

Adopted this 30th day of April, 2013 at York County, Nebraska.

SUPPLEMENTAL AGREEMENT NO. 1 TO THE FEDERAL-AID TRANSPORTATION FUND PURCHASE-SALE AGREEMENT

Nebraska Department of Roads

York County

THIS SUPPLEMENTAL AGREEMENT made and entered into by and between the State of Nebraska, Department of Roads, hereinafter referred to as the "State," and York County hereinafter referred to as Local Public Agency, or "LPA."

RECITALS

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and ,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

NOW, THEREFORE, in consideration of these facts, the State and the LPA agree as follows:

SECTION 1. Except for the provisions specifically modified herein, all terms and provisions of the Original Agreement between the State and the LPA remain in full force and effect.

SECTION 2. Section 2 of the Original Agreement entitled "Federal Funds Eligible for Purchase" is hereby superseded and replaced in total and shall hereafter state as follows:

This Agreement applies to the following categories of federal-aid funds: (a) STP Funds (both for Populations less than 5,000, and Populations 5,001 to 200,000), and (b) Federal-aid funds from sources in lieu of the former Highway Bridge Program (HBP) funds. The new Federal Highway Authorization, enacted into law on July 6, 2012 known as Moving Ahead for Progress in the 21st Century Act (MAP-21), restructured core highway formula programs and eliminated the Highway Bridge Program. Consequently the State will use historic data as the basis for establishing the total amount of funds that will be eligible for purchase (hereinafter "the Purchase Pool") for the Bridge Funding Category under this agreement. This historic data reflects that the HBP program averaged 10% of the total annual federal-aid funding received by State from FHWA. This method of calculating the Bridge Funding Category will be used for the duration of this Agreement unless a future Federal Highway Authorization re-establishes a separated fund dedicated to the construction or reconstruction of highway bridges, In the event that a fund similar to the former Highway Bridge Fund is re-established by the federal government, then the original agreement language of Section 2 shall automatically be reinstated 30 days after written notice from the State and the changes made in Sections 2 and 3 of this Supplemental Agreement will be null and void and all previous Section 2 language will apply except the name of the new fund will be substituted in for "Highway Bridge Program" in the Original Agreement.

SECTION 3. The references in the recitals and operative sections of the Original Agreement to "HBP" or the "Highway Bridge Program" shall be replaced, modified or interpreted as follows:

- (a) The title of Section 3B of the Original Agreement "HBP Funds Calculation" is hereby superseded and replaced with the title "Bridge Funding Category Calculation."
- (b) The reference in paragraph one of Section 5 of the Original Agreement to "HBP" Funds" is hereby superseded and replaced with the phrase "Bridge Funds." The two references to "HBP portions" in the third paragraph of Section 5 of the Original Agreement are hereby superseded and replaced with the phrase "Bridge funding portions."
- (c) All other references to HBP in the Original Agreement shall have no force and effect; however, if the context requires, the reference to HBP is hereby replaced with the phrase "the non-STP federal-aid funds described in Section 2 of this Supplemental Agreement."

SECTION 4. The Following shall be added at the end of subsection 1 of Section 7, of the Original Agreement, which Section is entitled "Bridges."

The parties to this agreement understand that when any of Nebraska's LPA's fail to comply with the obligations of the National Bridge Inspection Standards (NBIS), or with Federal Highway Administration (FHWA) directive, on a bridge or bridges that are the jurisdictional responsibility of the LPA, the State may be required to expend funds to remedy such LPA bridge non-compliance. LPA agrees that the State may pay the costs to comply with any NBIS non-compliance or FHWA directive from the purchase pool (off the top) under Supplemental Section 2. Additionally, any non-compliant LPA will be subject to any or all of the following sanctions that will continue until the costs have been repaid in full, **and** LPA's bridge is, or bridges are, in full compliance with NBIS requirements and FHWA directives:

- (a) Each year LPA's share of the purchase pool will be forfeited and returned to the pool for distribution to the other LPAs.
- (b) LPA will not receive any additional federal-aid funds for existing projects to become effective 30 days after written notice to LPA
- (c) LPA will not be allowed to program any new Federal-aid or State-aid projects, and existing projects will not be advance, and federal-aid reimbursements will be suspended.
- (d) Any State-aid Bridge, State Recreation Road, or Federal-aid funds of LPA held by the State will be retained by the State.

IN WITNESS WHEREOF, the LPA and State hereto have caused this Supplemental Agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this 30th day of April, 2013.

The Board discussed the upcoming new fiscal year and drafting of the budget.

Moved by Shellington, seconded by Bulgrin to appoint Bill Bamesberger and Jack Sikes to the Budget Committee for the fiscal year 2013-2014; roll call: yeas, Shellington, Bulgrin, Sikes and Buller; nays, none; Bamesberger abstained; motion carried.

GENERAL ASSISTANCE:

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

PAYROLL AND VENDOR CLAIMS WERE REVIEWED:

Moved by Buller, seconded by Shellington to approve payroll in the amount of \$136,973.50 and vendor claims as presented; roll call: yeas, Buller, Shellington, Sikes, Bamesberger and Bulgrin; nays, none; motion carried.

Fund	Name	Description	Total
Gen	Automated Systems	Data Proc Costs	215.92
Gen	Bob Barker Company, Inc.	Equip	564.55
Gen	Blue Knight Security, Inc.	Security Contract	1,044.00
Gen	Ann Charlton	Mileage	247.47
Gen	Consolidated Management Co.	Registrations	57.00
Gen	Don Copeland	Reimbursement	127.33
Gen	Cornerstone Bank	Data Proc Equip	45.00
911	D&D Communications	Telephone Service	330.00
Gen	DataSpec Inc.	Office Equip	485.00
Gen, Relief	Eakes Office Plus	Office Supplies	622.48
Gen	Home Care Plus	Medical-Prisoners	110.00
Gen	Hometown Leasing	Equip Rental	340.00
Gen	Jack's Uniforms & Equipment	Uniform Allowance	115.39
Gen	Jackson Services Inc.	Maintenance Agreement	85.00
Gen	JM Monograms, Inc.	Uniform Allowance	148.30
Gen	Renee Kirkpatrick	Court Costs	32.43
Gen	Eileen Krumbach	Mileage	67.80
Gen	Loup Valley Lighting, Inc.	Building Maintenance	126.89
Gen	Malouf & Associates	Janitorial Supplies	1,029.35
Gen	Mid-American Research Chemical	Janitorial Supplies	71.00
Gen	Ne Assoc. of County Extension Boards	Dues	100.00
Gen	Ne Assoc. of County Officials	Registration	250.00
Gen	Ne Assoc. of County Treasurers	Dues	120.00
Gen	Ne LabLinc	Medical-Prisoners	34.07
Gen	Ne Public Health Environmental Lab	Drug Tests	294.00
Gen	Ne Public Power District	Electricity	141.98
Weed	Ne Weed Control	Dues	125.00
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	435.00
Drug Law	Bob Penner	Reimbursement	375.84
Gen	Perennial Public Power District	Electricity	107.91
Gen	PTS of America, LLC	Transport	760.00
Gen	Rasmussen Mechanical Services, Inc.	Building Maintenance	1,555.57
Gen, State Inst	Region V Systems	Quarterly Costs	6,249.75
Gen	Don Sandman	Reimbursement	469.62
Gen	Seams Possible	Uniform Allowance	12.00
Gen	Sequoia Consulting Group	Services	1,728.59
Gen	Jack Sikes	Reimbursement	21.47
Gen	Stephanie Stanley	Reimbursement	5.80
Gen	State of Ne Das Central Finance	Data Proc Equip	80.25
Gen	State of Ne Dist #5 Probation	Budget 12-13	871.42
Gen	Tammy Stuhr	Reimbursement	110.74
Gen	Svehla Law Offices	Attorney Fees	2,911.30
Gen	Time Warner Cable	Subscription	80.99
Gen	Wallingford Sign Co., Inc.	Car Lettering	49.25
Gen	Weber Behavioral Health	Medical-Prisoners	1,047.00
Gen	West Payment Center	Supplies	313.50
Gen	Windstream Communications	Telephone Service	263.14
Gen	York County Court	Court Costs	245.00
Gen	York County District Court	Jury	833.33
Gen	York County Sheriff	Reimbursement	45.05
Gen	York Medical Clinic PC	Medical-Prisoners	57.00
Gen	York Printing Company, LLC	Office Supplies	88.00

INTERFUND TRANSFERS:

The Board was advised by the Clerk that there is a deficit in the amount of \$3,227.91 in the Area on Aging Fund.

Moved by Sikes, seconded by Bamesberger to adopt Resolution #13-18 to transfer \$5,000.00 from the Inheritance Tax Fund to the Area on Aging Fund to be repaid when funds will allow; roll call: yeas, Sikes, Bamesberger, Buller, Shellington and Bulgrin; nays,

none; motion carried.

RESOLUTION #13-18

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 30th day of April 2013, to discuss and act on an emergency created in the funds available in the Area on Aging Fund to operate until the end of the fiscal year which will be completed on June 30, 2013; 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 \$5,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the Area on Aging Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$5,000.00 for the Area on Aging Fund for the remainder of the fiscal year ending June 30, 2013 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become available.

DATED this 30th day of April, 2013.

An estimate was received from Cutting Edge Lawn Service for mowing and trimming the Cashlers Union Cemetery in the amount of \$700.00.

Moved by Bamesberger, seconded by Shellington to accept the estimate of \$700.00 submitted by Cutting Edge Lawn Service to mow the Cashlers Union Cemetery with the condition that it be mowed two weeks prior to Memorial Day and once again in the fall of 2013; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

The Board tabled the Title VI and Handbook agenda items.

The Chairman declared the meeting adjourned at 10:19 a.m. The next meeting will be held May 16, 2013 at 8:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regular meeting.

Kurt Bulgrin, Chairman
York County Board of Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska