

The York County Board of Commissioners met according to law on Tuesday, July 23, 2013 at 8:30 a.m. as per notice in the York News Times on July 18, 2013, with Chairman Kurt Bulgrin presiding, with Bill Bamesberger, Tom Shellington, Jack Sikes and Paul Buller. 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 Shellington, seconded by Sikes to approve the minutes of the July 9, 2013, Board of Commissioners meeting.

Moved by Bamesberger, seconded by Sikes to amend the motion to correct the time of adjournment for the meeting to 12:07 p.m.; roll call: yeas, Bamesberger, Sikes, Shellington, Buller and Bulgrin; nays, none; motion carried.

Moved by Shellington, seconded by Sikes to approve the minutes of the July 9, 2013, Board of Commissioners meeting with the correction as notated; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

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

**PAYROLL AND VENDOR CLAIMS:**

Moved by Shellington, seconded by Sikes to approve payroll in the amount of \$138,823.29 and vendor claims as presented; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

<b>Fund</b>	<b>Name</b>	<b>Description</b>	<b>Total</b>
Rd	Aurora Cooperative Elevator Co.	Fuel	26,633.96
Visitors Prom	Avery Outdoor	Media-Advertising	250.00
Aging	Bag N Save	Supplies	4,325.26
Gen	Bob Barker Company, Inc.	Equipment	253.91
Gen, Rd	Black Hills Energy	Heating Fuels	183.73
Gen	Marjorie Braman	Retirement	11.00
Gen	Patricia Bredenkamp	Retirement	10.00
Gen	Cash-Wa Candy Company	Board of Prisoners	1,303.93
Aging	Cash-Wa Distributing Co.	Supplies	725.87
Gen	Gary Charlton	Retirement	11.00
Gen	Clerk of the Supreme Court	Court Costs	125.00
Gen	Codex Corporation	Equipment	37.72
Gen	Connecting Point Computer Center	Data Proc Equip	50.00
Gen	Cornerstone Bank	Data Proc Equip	45.00
Gen, Rd	Corporate Payment Systems	Reimbursement	1,633.47
Gen	Sharon Cuda	Retirement	10.00
Gen	Culligan Water	Equipment	27.61
Gen	Data Tech Computer Services	Data Proc Equip	1,419.95
Gen	Des Moines Stamp Mfg Co.	Office Supplies	80.40
Rd	Richard Doremus	Shop Tools	65.00
Gen, Aging	Eakes Office Plus	Office Supplies	1,412.21
Aging	Phyllis Eberhardt	Mileage	95.86
Gen	Family First Counseling	Medical-Prisoners	245.74
Gen	Fillman Law Offices	Attorney Fees	2,542.50
Gen	First Concord Benefits Group, LLC	Insurance	2,611.89
Fed Drug Law	Galls	Supplies	994.65
Gen	General Reporting Service	Court Costs	178.75
Gen	Global Tech Inc.	Data Proc Equip	8,061.15
Gen	Gloystein Vet Clinic	Exam	41.97
Gen, Aging	Grand Central Foods	Board of Prisoners	3,442.07
Gen	Great Plains Pest Management, Inc.	Janitorial Supplies	52.00
Gen	Carla Green	Reimbursement	18.20
Fed Drug Law	GT Distributors, Inc.	Supplies	864.00
Aging	Carolyn Hambleton	Mileage	12.43
Gen	Harry Hecht	Retirement	16.00
Aging	Janet Hines	Reimbursement	5.49
Gen	Jennifer Hirschfeld	Court Costs	20.00
Gen	Hometown Leasing	Data Proc Equip	534.95
Gen	Hy-Tec Auto Service	Vehicle Maintenance	92.07
Gen	Intellicorp	Supplies	14.95
Fed Drug Law	Jack's Uniforms & Equipment	Supplies	139.89
Gen	Jackson Services Inc.	Maintenance Agreement	40.75
Aging	Helen Johnson	July Program	50.00
Gen	Lancaster County Sheriff	Court Costs	18.00
Gen	LaRue Distributing, Inc.	Equipment	28.64
Fed Drug Law	Law Enforcement Supply, Inc.	Supplies	74.04
Gen	Lichti's Inc.	Equipment	104.90
Gen	Liermann's Service	Vehicle Maintenance	45.55
Gen	Microfilm Imaging Systems, Inc.	Data Proc Equip	300.50
Rd	Midwest Pump and Equipment Co.	Equipment	30,869.00
Gen	Mogul's Transmission, Inc.	Vehicle Maintenance	665.26
Gen	Moore Medical, LLC	Medical-Prisoners	18.48
Rd	National Safety Council	Dues	40.00

State Inst	Ne Health and Human Services	Monthly Fees	540.00
Gen, Rd	Ne Public Power District	Electricity	356.37
Visitors Prom	Ne Society of Assoc. Executives	Dues	60.00
Visitors Prom	Ne Travel Association	Dues	300.00
Empty Sec Act	Ne Workforce Development	Quarterly Payments	2,320.00
Gen	North Office Supply	Office Supplies	389.91
Gen	William Ouren	Coroner/Autopsy Fees	75.00
Gen	Page County Sheriff's Dept	Court Costs	15.00
Gen	Paper Tiger Shredding	Monthly Fee	35.00
Rd	Perennial Public Power District	Electricity	222.67
Gen	Gerald Peterson	Reimbursement	122.04
Gen	Platte Valley Communications	Equipment	99.95
Stop	Quartermaster	Equipment	404.35
Gen	Rasmussen Mechanical Services, Inc.	Building Maintenance	3,502.59
Gen	Melvin Reetz	Retirement	12.00
Gen	Region V Services	Quarter Fees	6,081.00
Gen	Saline County Court	Court Costs	27.00
Gen	Don Sandman	Reimbursement	30.00
Gen	Kevin Schlender	Attorney Fees	15,187.50
Gen	Secretary of State-Election Division	Supplies	20.00
Emer Mgnt	Seward County Courthouse	Monthly Expense	3,609.33
Gen	Stahr and Associates	Contractual Services	200.00
Rd	Charles Starbuck	Reimbursement	59.00
Gen	State of Ne Das Central Finance	Data Proc Equip	128.06
Gen	State of Ne Das Communications	Equip Rental	448.00
Gen	Stephens Law Office	Attorney Fees	35.00
Gen	Svehla Law Office	Attorney Fees	1,586.65
Gen	Time Warner Cable	Subscription	80.99
Gen	Bern Tuttle	Retirement	69.24
Gen	University of Nebraska	Office Supplies	134.50
Gen, Rd	Verizon Wireless Services, LLC	Telephone Services	733.48
Rd	Village of Bradshaw	Electricity	11.10
Rd	Village of McCool Junction	Water/Sewer	38.00
Visitors Prom	Waitt Outdoor, LLC	Media-Advertising	450.00
Gen	Walgreens	Medical-Prisoners	1,599.67
Visitors Imprv	Wallingford Sign Co. Inc.	Signs	340.00
Visitors Prom	Web Tech Solutions	Website Maintenance	30.00
Visitors Prom	Wessels Living History Farm	Dues	50.00
Gen	West Payment Center	Westlaw Fees	2,348.40
Gen, Aging, E911,			
911, Rd	Windstream Communications	Telephone Service	3,210.07
Gen	York Ace Hardware	Equipment	566.61
Visitors Prom	York Area Chamber of Commerce	Office Operations	2,060.00
Gen, Aging	York County Ag Society	Booth Rental	60.00
Visitors prom	York County Development Corp	Monthly Expense	1,044.82
Gen	York County Highway Dept	Fuel	4,950.76
Gen, Rd	York General Hospital	Drug Tests	568.00
Gen, Visitors Prom,			
Emer Mgnt	York News-Times	Publication	685.24
Visitors Prom	York Printing Company, LLC	Publication	263.95
Gen	Heidi Zywiec	Court Costs	2,800.00

Annually, the Board by a super majority may approve an additional 1% budget authority.

Moved by Bamesberger, seconded by Sikes to authorize an additional 1% budget authority for purposes of the 2013-2014 budget; roll call: yeas, Bamesberger, Sikes, Shellington, Buller and Bulgrin; nays, none; motion carried.

#### **INTERFUND TRANSFERS**

Moved by Bamesberger, seconded by Buller to amend Resolution #13-38 transferring funds into the County Road Department from the Inheritance Tax Fund instead of the County General Fund with it to be repaid when funds become available; roll call: yeas, Bamesberger, Buller, Shellington, Sikes and Bulgrin; nays, none; motion carried.

#### **AMENDED - RESOLUTION #13-38 (dated July 9, 2013)**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 23rd day of July 2013, 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, 2014; 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 \$150,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the County Road Fund budget and hereby appropriates from the Inheritance Tax Fund (amended by replacing General Fund with Inheritance Tax Fund) the sum of \$150,000.00 for the County Road Fund for the remainder of the fiscal year ending June 30, 2014 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become

available.

DATED this 23rd day of July, 2013.

The Board was advised that there is deficit in the County Road Fund in the amount of \$150,000.00.

Moved by Bamesberger, seconded by Buller to adopt Resolution #13-41 to transfer \$150,000.00 from the Inheritance Tax Fund to the County Road Fund to be repaid when funds become available; roll call: yeas; Bamesberger, Buller, Shellington, Sikes and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-41**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 23<sup>rd</sup> day of July 2013, 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, 2014; 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 \$150,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the County Road Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$150,000.00 for the County Road Fund for the remainder of the fiscal year ending June 30, 2014 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become available.

DATED this 23rd day of July, 2013.

At the July 9, 2013 meeting a request to reappoint Don Jones to the Veterans Service Committee for another five (5) year term failed as the vote was tied two to two (Commissioner Bulgrin was absent). The Board readdressed the matter.

Moved by Bulgrin, seconded by Buller to adopt Resolution #13-42 reappointing Don Jones to the Veterans Service Committee for another five (5) year term; roll call: Yeas, Bulgrin, Buller, Sikes and Bamesberger; nays, Shellington; motion carried.

**RESOLUTION #13-42**

WHEREAS, the Board has been advised that the term of Don Jones on the Veterans Service Committee has expired; and

WHEREAS, the Board has been advised that he is willing to serve another five (5) year term;

NOW, THEREFORE BE IT RESOLVED that Don Jones is hereby appointed to serve on the Veterans Service Committee for a period of five (5) years commencing July 1, 2013 through June 30, 2018.

Dated this 23rd day of July, 2013.

With the passage of LB 98, a buyback program between the State and county's will be instituted. Through this program, counties will receive state money instead of federal money beginning March 2014. Money can only be used for construction, reconstruction, etc. on road projects. It cannot be used for routine maintenance such as snow removal. Based on this information, it was determined that a new fund should be established for the revenue and disbursement of these funds.

Moved by Bamesberger, seconded by Sikes to establish Fund "0650" Highway Bridge Buyback Road Program Fund; roll call: yeas, Bamesberger, Sikes, Shellington, Buller and Bulgrin; nays, none; motion carried

**RESOLUTION #13-43**

WHEREAS, the County of York will be receiving monies for the Highway Bridge Buyback Road Program; and

WHEREAS, the County sees a need for these types of revenues and expenses to be accounted for separately,

NOW, THEREFORE, BE IT RESOLVED that a new fund be created for the purpose of recording receipts and expenditures. Said fund to be called the Highway Bridge Buyback Program Fund (#0650). Money available in such fund shall be used for the purposes allowed by state statute.

Dated this 23<sup>rd</sup> day of July, 2013.

On June 26, 2012, the Board adopted a resolution to authorize the issuance of Highway Allocation Bonds in the amount of \$6,055,000.00. The revenue from the bonds is to be used to finance road and bridge construction and/or maintenance. At this time, it was determined that it is necessary to transfer those funds out of the Road Fund and into a specific fund for tracking of revenue and expenses associated with these bond projects.

Moved by Sikes, seconded by Bamesberger to adopt Resolution #13-44 to reestablish the Highway Allocation Bond Fund (#3700) for tracking of bond construction/maintenance funds and also in connection with that establishment, to transfer those funds associated with the bond from the Road Fund to said Highway Allocation Bond Fund in the amount of \$4,404,222.70; roll call: yeas, Sikes, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-44**

WHEREAS, on June 26, 2012, Resolution #12-41 was adopted to authorize the issuance of Highway Allocation Bonds

in the amount of \$6,055,000.00; and,

**WHEREAS**, since its inception, the revenue and disbursements were recorded/tracked through the County Road Fund; and

**WHEREAS**, at this time it is necessary for these revenues and expenses to be accounted for separately, and,

**WHEREAS**, there is at this time monies in the amount of \$4,404,222.70 to be transferred to said fund from the County Road Fund;

**NOW, THEREFORE, BE IT RESOLVED** that the **Highway Allocation Bond Fund (#3700)** be established and that a transfer of \$4,404,222.70 be made from the County Road Fund to the Highway Allocation Bond Fund. Money available in such fund shall be used for the purposes allowed by state statute.

Dated this 23<sup>rd</sup> day of July, 2013.

The current Highway Superintendent upon employment, assumed the position of Planning and Zoning director. At this time, it was determined his salary should be split between the Road Fund and the General Fund under the Planning and Zoning budget.

Moved by Bamesberger, seconded by Buller to split Mitch Doht's salary with 90% coming out of the Road Fund and 10% coming out of the General Fund/Planning and Zoning budget with said split to take effect on July 1, 2013; roll call: yeas, Bamesberger, Buller, Shellington, Sikes and Bulgrin; nays, none; motion carried.

Currently, the Planning and Zoning Committee and the Board of Adjustment Committee needs to be updated as several of the appointments have expired.

Moved by Sikes, seconded by Shellington to table action on appointing members to the Board of Adjustments and Planning and Zoning Committees; roll call: yeas, Sikes, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

At the time of Mitch Doht's appointment as the York County Highway Superintendent, it was also determined that he hold the position of Planning and Zoning Administrator. Stahr and Associates (Orval Stahr) held that position at that time, however, he agreed to continue through a retainer for a period of time to help with the transition. Doht advised that he is now able to continue without Stahr's assistance.

Moved by Shellington, seconded by Buller to give written notice to Orval Stahr of the decision to terminate his retainer; roll call: yeas, Shellington, Buller, Bamesberger, Sikes and Bulgrin; nays, none; motion carried.

Denise Boyd along with June Pederson, Aging Partners Director and Lori Byers, Manager of the York County Aging Services provided the Board with an annual update of the York County Aging Services and Public Transportation. They also gave their budget request of \$27,912.00. This amount will be taken into consideration when drafting the budget.

**GENERAL ASSISTANCE:**

Moved by Shellington, seconded by Sikes to go into Executive Session at 9:40 a.m. to discuss General Assistance claims and for the prevention of needless injury to an individual; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; Chairman Bulgrin restated the motion.

Moved by Shellington, seconded by Sikes to come out of Executive Session at 9:55 a.m. where no action was taken; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Moved by Sikes, seconded by Shellington to approve General Assistance case #13-5 payable to Black Hills Energy for utilities in the amount of \$200.00; roll call: yeas, Sikes, Shellington, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Bond drawdown #20 in the amount of \$1,058,067.90 was reviewed.

Moved by Bamesberger, seconded by Shellington to approve Bond Drawdown #20 to Monarch Oil Co for \$525,584.53; M.E. Collins Contracting for \$166,588.76; Commercial Construction Inc. for \$309,393.64; Kirkham Michael for \$29,828.00 and Speece Lewis for \$26,672.97 for a total of \$1,058,067.90; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

In the July 9, 2013, Board Meeting, The Good Life Alliance presented for adoption a resolution regarding the Keystone XL Pipeline. Following discussion, it was determined that it should be reworded and the matter tabled until the next Board meeting. Chairman Bulgrin read into the record the newly drafted resolution presented for the Board's consideration.

*"The York County Board of Commissioners, on behalf of its citizens, realizes the risks of tar sand and crude oil pipelines to our resources in York County and oppose any pipelines of this nature."*

The following persons spoke for the approval of the resolution: Jenni Harrington, Bonnie Kruse, Shannon Graves, Max Nelson, Suz Luebbe, Jane Kleeb and Carol Brozovsky.

Those opposed to the adoption of the resolution were: Jeff Rauh and Lee Hamann.

Moved by Buller, seconded by Shellington to adopt the resolution; roll call: yeas, Buller and Shellington; nays, Sikes, Bamesberger and Bulgrin; Motion failed.

Chairman Bulgrin was excused from the meeting at 10:25 a.m. Vice Chairman Bamesberger conducted the meeting in his absence.

Brian Bedient submitted information regarding an upcoming training session on pipeline zoning. *"Pipeline Training for*

*County Commissioners, County Zoning Board & Attorneys – Focus on Zoning, Haul Agreements, Local Oil Spill Response Plans”.*  
He encouraged the Board to attend the meeting and also that they put pipeline zoning regulations in place.

Moved by Sikes, seconded by Shellington to authorize the Zoning Administrator to do his best to work on pipeline regulations;  
roll call: yeas, Sikes, Shellington, Buller and Bamesberger; nays, none; Bulgrin absent; motion carried.

A proposal was received from Kirkham Michael to perform the Title VI, ADA evaluation. The proposed cost would be \$78.00 per hour.

Moved by Sikes, seconded by Buller to accept their proposal and engage Kirkham Michael to conduct the Title VI ADA Nondiscrimination Agreement fieldwork at a rate of \$78.00 per hour/ 20 hours maximum with a maximum overall price of \$1,200.00 ;  
roll call: yeas, Sikes, Buller, Shellington and Bamesberger; nays, none; Bulgrin absent; motion carried.

The Board recessed to conduct the quarterly jail inspection.

Committee reports were given.

The Vice Chairman declared the meeting adjourned at 11:21 a.m. The next meeting will be held August 6, 2013 at 8:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regular meeting.

Respectfully submitted,

Cynthia D. Heine, York County Clerk