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:

1. The title of Section 3B of the Original Agreement “HBP Funds Calculation” is hereby superseded and replaced with the title “Bridge Funding Category Calculation.”
2. 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.”
3. 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:

1. Each year LPA’s share of the purchase pool will be forfeited and returned to the pool for distribution to the other LPAs.
2. LPA will not receive any additional federal-aid funds for existing projects to become effective 30 days after written notice to LPA
3. 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.
4. 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.

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**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 $3,227.91in 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.

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Kurt Bulgrin, Chairman Cynthia D. Heine, County Clerk

York County Board of Commissioners York, Nebraska