The York County Board of Commissioners met according to law on Tuesday, March 19, 2013 at 8:45 a.m. as per notice in the York News Times on March 14, 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 meeting was opened with the Pledge of Allegiance.

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 March 5, 2013, Board of Commissioners meeting; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Shellington to amend the agenda to include emergency action on declaring county property as surplus property for purposes of disposal and to continue the matter regarding the IRS payroll audit; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Buller to adopt the amended agenda; roll call: yeas, Bamesberger, Buller, Sikes, Shellington and Bulgrin; nays, none; 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 $134,347.33 and vendor claims as presented; roll call: yeas, Buller, Shellington, Sikes, Bamesberger and Bulgrin; nays, none; motion carried.

**Fund Name Description Total**

Rd Allied Oil & Supply, Inc. Tire Repair 1,451.16

Visitors Prom Avery Outdoor Media-Advertising 250.00

Aging Bag N Save Supplies 1,454.33

Gen Black Hills Energy Heating Fuels 139.98

Gen Blue Knight Security Security Contract 804.00

Rd Bluetarp Financial, Inc. Shop Tools 241.87

Gen Marjorie Braman Retirement 11.00

Gen Patricia Bredenkamp Retirement 10.00

Gen Cody Brouillette Court Costs 20.00

Aging Lori Byers Mileage 129.87

Rd Car Parts Inc. Repair Parts 35.15

Gen Cash-Wa Candy Company Board of Prisoners 1,072.13

Aging Cash-Wa Distributing Co. Supplies 351.21

Gen Cedar County Court Court Costs 4.50

Rd Central Ne Petroleum Equipment, Inc. Fuel 129.75

Gen Gary Charlton Retirement 11.00

Gen Connecting Point Computer Center Data Proc Equip 71.25

Gen Continental Research Corp Janitorial Supplies 248.00

Gen Cornerstone Bank Data Proc Equip 45.00

Rd Cornhusker Cleaning Systems Inc. Shop Supplies 80.94

Gen, Rd, Sheriff Corporate Payment Systems Reimbursement 420.94

Gen Creighton Medical Laboratories Coroner/Autopsy Costs 332.07

Gen Sharon Cuda Retirement 10.00

Gen Culligan Water Monthly Fee 457.75

Relief Data Tech Computer Services Office Equip Repair 125.00

Rd Randy Doremus Reimbursement 50.00

Gen Doubletree Hotel Court Costs 101.00

Gen, Aging,

Sheriff Eakes Office Plus Office Supplies 2,418.06

Aging Phyllis Eberhardt Mileage 21.47

Gen Exeter Arms Safety Equipment 76.00

Rd Farmers Cooperative Tire Repair 22.95

Rd Fastenal Industrial & Const Supply Signs & Posts 172.00

Gen Fillman Law Offices Attorney Fees 3,665.00

Gen First Concord Benefits Group, LLC Insurance 348.00

Gen Galls Uniform Allowance 61.48

Gen, Aging Grand Central Foods Supplies 3,674.71

Gen Great Plains Pest Management Janitorial Supplies 52.00

Aging Carolyn Hambleton Mileage 10.17

Gen Harry Hecht Retirement 16.00

Aging Janet Hines Mileage 49.16

Emer Mgnt Gerald Hinrichs Mileage 19.21

Gen Hometown Leasing Data Proc Equip 1,225.91

Rd HTR Inc. Repair Parts 598.15

Gen Hy-Tec Auto Service Vehicle Maintenance 45.73

Gen, Rd Jackson Services, Inc. Maintenance Agreement 157.22

Rd Jensen Lumber Company Flares, Flags 35.50

Rd John Kohl Auto Center, Inc. Repair Parts 137.24

Gen Eileen Krumbach Mileage 50.85

Gen Lancaster County Youth Services Ctr Juvenile Care Costs 8,083.00

Rd Lichti Bros Oil Co Inc. Fuel 22,959.98

Gen, Sheriff Light & Siren Safety Equipment 3,846.00

Rd Mac Tools Distributor Shop Tools 33.98

Rd Matheson Tri-Gas, Inc. Shop Supplies 157.12

Rd Mead Lumber & Rental – York Shop Tools 20.27

Gen Medical Enterprises, Inc. Physical Capacity 31.00

Gen Memorial Health Clinic Fees 225.00

Gen Microfilm Imaging Systems, Inc. Data Proc Equip 300.50

Gen MIPS Inc. Data Proc Equip 1,315.74

Gen Mogul’s Transmission, Inc. Vehicle Maintenance 682.05

Rd, Weed Moses Motor Co. Repair Parts 84.54

Gen Naber’s Repair Service Building Maintenance 635.00

Rd National Assoc. Of County Engineers Dues 460.00

State Inst Ne Health and Human Services Monthly Fees 672.00

Gen, Rd Ne Public Power District Electricity 394.06

Rd Nebraskaland Glass Repair Parts/Labor 407.95

Relief Bev Nelson Reimbursement 13.28

Rd NMC Exchange LLC Repair Parts 179.63

Aging North Office Supply Supplies 33.98

Gen Northeast Nebraska Juvenile Service Juvenile Care Costs 568.75

Gen Carol Nygard & Associates Court Costs 753.75

Rd O’Reilly Auto Parts Repair Parts 567.54

Rd Orscheln Card Center Easement & Others 242.51

Gen Paper Tiger Shredding Monthly Fee 35.00

Gen Lynn Peavey Company Drug Test 95.76

Fed Drug Law Bob Penner Reimbursement 90.00

Rd Perennial Public Power District Electricity 120.14

Emer Mgnt Pinnacle Bank/Visa Meals 28.16

Gen, 911 Platte Valley Communications Telephone Service 1,414.83

Rd Power Plan Repair Parts 125.35

Rd Power Service Inc. Equip Rental 275.00

Gen, Rd Rasmussen Auto Parts Repair Parts 614.12

Gen Melvin Reetz Retirement 12.00

Aging David Rockenbach Senior Citizen Program 50.00

Gen Ronco Plumbing Building Maintenance 1,518.99

Gen Don Sandman Reimbursement 228.38

Rd Schlegelmilch Plumbing & Well Serv Shop Supplies 399.00

Rd Searco Mowers 864.00

Emer Mgnt Seward County Courthouse Monthly Expense 3,719.95

Rd Snap-On Tools Shop Tools 53.75

Gen Stahr & Associates Contractual Services 200.00

Rd Standard Battery, Inc. Repair Parts 449.80

Rd Chuck Starbuck Reimbursement 50.00

Gen State of Ne Das Central Finance Data Proc Equip 80.25

Gen State of Ne Das Communications Equip Rental 448.00

Gen State of Ne Dept of Correctional Svcs Board of Prisoners 341.84

Gen Tammy Stuhr Mileage 75.71

Gen, Rd Verizon Wireless Services LLC Telephone Service 689.49

Rd Village of Bradshaw Electricity 17.74

Rd Village of McCool Junction Water/Sewer 38.75

Visitors Prom Waitt Outdoor, LLC Media-Advertising 445.00

Gen Nancy Waldron Mileage 56.50

Gen Walgreens Medical-Prisoners 7,854.51

Visitors Prom Web Tech Solutions Monthly Fee 51.67

Visitors Imprv Wessels Living History Farm Special Projects 100.00

Gen, Rd, E911,

911 Windstream Communications Telephone Service 3,352.98

Gen JS Wurm & Associates Court Costs 422.82

Gen York Ace Hardware Building Supplies 142.03

Visitors Prom York Area Chamber of Commerce Dues 40.00

Gen York County District Court Court Costs 518.00

Gen, Weed York County Highway Dept Fuel 3,761.17

Rd York Equipment, Inc. Repair Parts 59.24

Gen York General Hospital Physical Capacity 488.00

Gen York Medical Clinic PC Medical-Prisoners 45.07

Gen, Visitors

Prom York News-Times Publication 3,179.27

Gen York Printing Company, LLC Office Supplies 261.35

Brenda Wilson, representative of GIS Workshop spoke with the Board regarding the implementation of GIS for the Road, Emergency Management, Planning and Zoning and Noxious Weed Departments. With the Board’s approval, she would apply for a grant to cover the expenses.

Moved by Bamesberger, seconded by Shellington to authorize GIS Workshop to apply for GIS grants for the Road, Weed, Planning and Zoning and Emergency Management departments. There will be an annual maintenance cost of $12,500 for all four departments; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

A public hearing was held on March 5, 2013 regarding the increase in public transportation out-of-city and out-of-county fares. The charge proposed will increase the fee for out-of-city boardings from$2.00 to $4.00 per boarding and out- of-county boardings from $10 round trip to $12 round trip.

Moved by Shellington, seconded by Bamesberger to accept the recommendation of the Aging Coordinator and increase the fee for out of city boardings from $2.00 to $4.00 per boarding and for out-of-county boardings from $10.00 round trip to $12.00 round trip; roll call: yeas, Shellington, Bamesberger, Buller, Sikes and Bulgrin; nays, none; motion carried.

Previously, a change was made in the ridership charges for the public transportation service. At this time, the Service Policy must be updated to coinside with that change.

Moved by Shellington, seconded by Sikes to amend the York County Public Transportation Service Policy as listed; roll call: yeas, Shellington, Sikes, Buller, Bamesberger and Bulgrin; nays, none; motion carried.

***Days & Hours of Service***

The following holidays will be observed with limited service provided: Martin Luther King Day, President’s Day, Arbor Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, and the day after Thanksgiving. No service will be provided on News Year’s Day, Thanksgiving Day or Christmas Day.

***Fares***

In-City Limits $2.00 or 1 punch per boarding

In-County $4.00 or 2 punches per boarding

Out-of-County $6.00 or 3 punches per boarding

$2.00 or 1 additional punch per stop in destination city

The Aging Coordinator/Public Transportation Director presented the 2014 budget along with a proposed resolution which would serve as a request for Public Transportation Assistance.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #13-09 and to apply for funding for FY 2013-2014 Public Transportation Assistance contingent upon public comment; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-09**

**WHEREAS,** there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

**WHEREAS,** the York County Public Transportation system desires to apply for said funds to provide public transportation in York County.

**NOW THEREFORE, BE IT RESOLVED;** the York County Board of Commissioners hereby instructs the York County Public Transportation system to apply for said funds. Said funds are to be used for the York County Public Transportation system transportation operations in the FY 2013-2014 Application for Public Transportation Assistance.

Dated this 19th day of March, 2013.

The Board recessed at 9:30 a.m. for attendance at the County Government Day meeting.

Currently, the County has a program in place which allows individuals to attend a S.T.O.P class in person when issued a Minor Traffic Violation. Completion of this course may dismiss minor traffic violations, protect an individuals driving record and avoid court appearances. Southeast Community College is now making available a course which can be completed on-line in a period of 4 hours instead of the regular 8 hour course.

Moved by Sikes, seconded by Bamesberger to approve the additional option through Southeast Community College; roll call: yeas, Sikes, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

A Tort Claim was filed by Brian Schultz for an accident which occurred on July 3, 2012 on Highway 81. The matter was reviewed by the County Attorney.

Moved by Sikes, seconded by Buller to deny the Tort Claim as it is incorrectly filed; roll call: yeas, Sikes, Buller, Shellington, Bamesberger and Bulgrin; nays, none; motion carried.

**INTERFUND TRANSFERS:**

The Board was advised that monies will need to be transferred as budgeted to the Noxious Weed Fund.

Moved by Buller, seconded by Bamesberger to adopt Resolution #13-10 to transfer $10,000.00 from the County General Fund to the Noxious Weed Fund as budgeted; roll call: yeas, Buller, Bamesberger, Sikes, Shellington and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-10**

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 19th day of March 2013, and discussed the fact that in the proposed budget for 2012-2013, the Noxious Weed Fund would be funded by way of interfund transfers from the General Fund; and

WHEREAS, at this time it is necessary to transfer proposed budgeted funds in order to meet obligations in the amount of $10,000.00.

NOW BE IT RESOLVED, that the York County Treasurer shall transfer the sum of $10,000.00 budgeted dollars from the General Fund to the Noxious Weed Fund for the budget year of 2012-2013.

Dated this 19th day of March 2013.

Moved by Buller, seconded by Sikes to authorize payment of Bond Drawdown #12 payable to Kirkham Michael for $21,866.00 and Speece Lewis Engineers for $64,455.00; roll call: yeas, Buller, Sikes, Shellington, Bamesberger and Bulgrin; nays, none; motion carried.

Moved by Bamesberger, seconded by Sikes to authorize payment of Bond Drawdown #13 payable to York News Times for $303.65; ME Collins Contracting for $59,852.22; Kirkham Michael for $35,243.00 and Speece Lewis for $6,757.46; roll call: yeas, Bamesberger, Sikes, Shellington, Buller and Bamesberger; nays, none; motion carried.

Committee members Jason Hirschfeld and Albert Kliewer’s terms on the Planning and Zoning Board have expired. Due to the death of Mr. Kliewer, a new representative will have to be chosen. Mr. Hirschfeld has agreed to be reappointed.

Moved by Bamesberger, seconded by Shellington to adopt Resolution #13-11 to reappoint Jason Hirschfeld to a term on the Planning and Zoning Board with an expiration date of May 1, 2015; roll call: yeas, Bamesberger, Shellington, Buller, Sikes and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-11**

**WHEREAS**, the term of Jason Hirschfeld on the Planning and Zoning Board has expired, and

**WHEREAS**, he has agreed to be reappointed for an additional term;

**NOW THEREFORE, BE IT RESOLVED** that Jason Hirschfeld is hereby appointed to serve on the Planning and Zoning Board until May 1, 2015.

Dated this 19th day of March, 2013.

A list of county property which is being disposed of by various offices was reviewed by the Board. At this time, these items must be declared surplus property.

Moved by Bamesberger, seconded by Buller to declare the following items as surplus property to be disposed of; roll call: yeas, Bamesberger, Buller, Shellington, Sikes and Bulgrin; nays, none; motion carried.

½ ton overhead hoist

12,000 lb steer axle

aluminum truck steps and battery box

mud flap brackets

8” yard drag

Alamo mower

Rear ripper frame

1,000 gal. fuel tank

15’ double wing mower

1995 International truck

1993 International truck

1999 Volvo truck

1972 Ford dump truck

1973 Ford dump truck

15’ dump truck box on subframe

Tanau cover off 2007 for F150

150 gal fuel tank & pump

slide in sprayer

pickup topper off 97 GMC

Olson band saw

Oil filter smasher

Several used culverts

Miscellaneous cabinets

Miscellaneous items

Hydraulic jack

Weed eater

Chop saw

Slide in pickup sander – Sno-Ex

4 cyl gas air compresser w/spare motor

Used bridge plank

525 gallon polyolyfin tank

12 chairs

1987 Kenworth dump truck

Bids were opened at 10:15 a.m. as advertised for 1-2 new dump trucks. All bids were accompanied with the bid bond. The following bids were received:

Sahling Kenworth, Inc., York, NE

2014 Kenworth T800 w/high hood – Klute box $169,395.00

2014 Kenworth T800 w/sloped hood –LCL body $163,789.00

Express Truck Center, York, NE

2014 Freightliner 114SD - Klute box $154,877.00

2014 Freightliner 114SD – LCL box $150,189.00

Nebraska Truck & Equipment Co. Lincoln, NE

2014 Mack GU713 $155,245.52

\*\*Klute box & snow plow $4,688.00

Moved by Sikes, seconded by Bamesberger to take the recommendation of the Highway Superintendent and accept the bid from Express Truck Center of York, Nebraska for (2) two - 2014 Freightliners 114SD in the amount of $154,877.00 each along with the base vehicle coverage of 5 years/100,000 miles in the amount of $4,703.00 and the 5 year 200,000 mile extended engine coverage in the amount of $435.00 and a Klute box. Also, they are to be financed and a $50,000 downpayment will be made for each unit; roll call: yeas, Sikes, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

Committee reports were given.

When receiving federal funds, the county must adopt a resolution which states that we have a Nondiscrimination Agreement in place between the Nebraska State Department of Roads and the County.

Moved by Sikes, seconded by Bamesberger to adopt Resolution #13-12 for Title VI – Civil Rights; roll call: yeas, Sikes, Bamesberger, Shellington, Buller and Bulgrin; nays, none; motion carried.

**RESOLUTION #13-12**

**TITLE VI – CIVIL RIGHTS**

**WHEREAS:** Certain transportation facilities (roads, streets, trails, and others) in York County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

**WHEREAS:** York County desires to continue to participate in Federal-Aid Transportation construction programs;

**WHEREAS:** The Nebraska Department of Roads as a recipient of said Federal Funds is charged with oversight of the expenditures of said funds;

**WHEREAS:** York county as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of York County; and

**WHEREAS:** York County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for funds, which could result in York County being required to repay some or all of the federal funds expended for a project(s).

**BE IT RESOLVED:** The York County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the title VI – Civil Rights of York County.

**BE IT FURTHER RESOLVED:** The York County Board of Commissioners does hereby designate the following as responsible for the management of Title VI – Civil Rights process: York County Clerk.

PASSED AND APPROVED this 19th day of March, 2013.

**TITLE VI**

**NONDISCRIMINATION AGREEMENT**

**BETWEEN**

**NEBRASKA STATE DEPARTMENT OF ROADS**

**AND**

**YORK COUNTY, NEBRASKA**

**POLICY STATEMENT**

York County, Nebraska, hereinafter referred to as the “County,” assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 (S.557) March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the County hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the County distributes federal aid funds to a sub-recipient, the County will include Title VI language in all written agreements and will monitor for compliance.

The York County Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Ss: Kurt Bulgrin, York County Board of Commissioners, Chairman

Dated: March 19, 2013

Replacement of the County’s card troll was discussed. It is located at the County Shop Yard and is used by various county offices. Highway Superintendent Doht proposed that the percentage of use of the unleaded fuel pump be back-charged to cover the cost of the replacement. This matter will be discussed at the next board meeting.

Clerk Heine submitted here February 2013 fee report in the amount of $8,540.68. The report was reviewed and placed on file.

Treasurer Scavo submitted the February 28, 2013 Fund Balances. The report was reviewed and placed on file.

General $641,217.62

Roads $609,463.47

Bond Fund $4,924,870.94

Adult Diversion $49.37

Juvenile Diversion $9,168.96

Reappraisal $50,000.00

ROD Preservation Fund $953.00

Employment Security $5,726.35

Area on Aging $25,538.60

Relief & Medical $4,351.16

State Institutions $4,355.89

Veterans Aid Fund $25,415.32

Busy Wheels $14,108.45

STOP $8,131.58

York County Drug Fund $475.00

Federal Drug Law Enf $6,218.45

Debt Service $285,680.97

Inheritance Tax $1,387,068.83

911 Wireless $57,961.73

911 Wireless Holding $18,826.12

Emergency Mgmt $18,032.62

Law Enforcement Sheriff $17,688.55

Noxious Weed $2,411.22

Ambulance $48,081.50

911 Emergency $92,093.78

CDBG $10.01

Visitors Impr Fund $148,870.10

Visitors Prom $58,231.01

The Chairman declared the meeting adjourned at 11:56 a.m. The next meeting will be held April 2, 2013 at 8:30 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