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.

**Fund Name Description Total**

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

Emply 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 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 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

**RESOLTUION #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 23rd 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.

**RESOLTUION #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 23rd 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