



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

June 19, 2017

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 19th day of June, 2017 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

Present were the following: David W. Mach, Tony Krafska, Kevin Slama, Scott Steager, Gregory Janak, and David Potter.
Absent: Max Birkel.

Notice of the meeting was given in advance thereof, by Publication, a designated method for giving notice, as shown by the Proof of Publication attached to the minutes. Notice of this meeting was given to all members of the Board and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to all members of the board of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The Chairman called the meeting to order, and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

The Chairman declared that the minutes from the previous meeting shall stand approved as presented.

Permit to Construct Utilities on County Right-of-Way Request

A permit to construct utilities on county right-of-way was submitted by Eagle Communication to install fiber cable between Rising City and Highway 15 south of Schuyler. Moved by Slama, seconded by Krafska to approve the permit as presented. Upon roll call vote the following voted aye: Slama, Krafska, Steager, Janak, Potter, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Bids-Pavement Painting

Moved by Janak, seconded by Steager to set the date and time of July 17, 2017 at 9:30 a.m. to accept bids to pavement painting on the Brainard-Dwight road. Upon roll call vote the following voted aye: Janak, Steager, Krafska, Slama, Potter and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Discussion

Supervisor Potter initiated discussion on the issue of erosion around a culvert. The Highway Superintendent will check on this, and maintenance will be done if needed.

Butler County Driveway Policy

Moved by Krafska, seconded by Potter to approve and adopt the Butler County Driveway Policy. Upon roll call vote the following voted aye: Krafska, Slama, Potter, Janak, Steager, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Appointment of Highway Superintendent

Moved by Krafska, seconded by Slama to appoint Jim Rerucha as Highway Superintendent for the period of July 1, 2017 through June 30, 2018. Upon roll call vote the following voted aye: Krafska, Slama, Potter, Janak, Steager, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Bids (Bridge Steel, Culverts, Gravel)

Bids were received and considered from the following:

Bridge Steel-



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Midwest Service and Sales Company

Schuyler, NE

Gravel-

Marxsen Sand & Gravel

Schuyler, NE

Dale R. Johnson Ent., Inc.

Columbus, NE

Central Sand & Gravel

Columbus, NE

Kroeger Sand & Gravel

Schuyler, NE

Culverts-

Ace/Eaton Metals

Kearney, NE

Midwest Service and Sales Co.

Schuyler, NE

Contech Engineered Solutions, LLC

Wahoo, NE

Metal Culverts, Inc.

Jefferson City, MO

All bids submitted will be reviewed by the Highway Superintendent, who will return at 11:15 a.m., with recommendations.

Food Bank of Lincoln

Representatives of the Food Bank of Lincoln appeared before the board to share information on the 16 county area that they serve. In 2016, 76,505 pounds of food, or 63,754 meals, were distributed in Butler County via the Food Bank of Lincoln's efforts. They reported an estimated 900 out of 8,256 people (10.9%) who live in Butler County are food insecure. The food bank conducts monthly mobile food distributions at the David City Auditorium.

Moved by Steager, seconded by Slama to enter Board of Equalization. Upon roll call vote the following voted aye: Steager, Krafka, Slama, Potter, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

The Chairman recessed the meeting at 10:45 a.m., and reconvened at 10:55 a.m.

Veterans Service Committee

Donald Prochaska, Chairman of the Veterans Service Committee appeared before the board to discuss the salary for the Veterans Service Officer. Dean Kriz, Veterans Service Officer will be retiring and the committee is in the process of seeking an individual to fill that position. It was discussed that the salary will be set at an hourly rate. The budget for the 2017-2018 fiscal year will need to reflect additional costs associated with the training and certification of the new officer. It was the consensus of the board to approve the hourly rate to be set at \$20.19.

Floodplain Issue

Robin Sullivan, Floodplain Administrator and Jim Rerucha, Highway Superintendent appeared before the board to relay information on the proposed entrance driveway at the Butler County Landfill. The proposed site is located in a designated floodplain area. Information was relayed to the Board by the Floodplain Administrator as to the requirements to comply with the Floodplain Ordinance. The Floodplain Administrator has also been in contact with representatives of the Butler County Landfill.

Award Bids for Gravel, Culverts, and Steel

Jim Rerucha, Highway Superintendent recommended that the board accept all gravel bids, taking into consideration price, proximity, and availability. Moved by Steager, seconded by Krafka to accept all gravel bids based on proximity and price. Upon roll call vote the following voted aye: Steager, Krafka, Slama, Potter, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.



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The Highway Superintendent recommended that the board accept bids for culverts from Ace/Eaton Metals, Midwest Service and Sales Co., and Contech Engineered Solutions, LLC, based on availability and proximity. Moved by Janak, seconded by Potter to accept the culvert bids from Ace/Eaton Metals, Midwest Service and Sales Co., and Contech Engineered Solutions, LLC, based on price and availability. Upon roll call vote the following voted aye: Janak, Potter, Slama, Krafka, Steager, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Moved by Slama, seconded by Krafka to accept the steel bid from Midwest Service and Sales Co. Upon roll call vote the following voted aye: Slama, Krafka, Steager, Janak, Potter, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Recognition of Road Department Employees

Two Road Department employees were presented plaques in recognition of years worked. Larry Aldrich is retiring on June 30, 2017 and has worked for the Road Department since July 1, 1989. Frank Prochaska was honored for 25 years of service.

Claims

Moved by Slama, seconded by Krafka to approve for payment the claims as presented, except deny payment of claim from Mitel Cloud Services in the amount of \$593.48. Upon roll call vote the following voted aye: Slama, Krafka, Steager, Janak, Potter, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Resolution 2017 - 17

Resolution 2017-17 was presented for the board’s consideration. Moved by Janak, seconded by Steager to approve and adopt Resolution 2017-17 as presented. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Slama, Potter, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

RESOLUTION 2017 – 17

WHEREAS, during the Fiscal Year of July 1, 2016, to June 30, 2017, Butler County Board of Supervisors purchased personal property which has not been delivered to Butler County, and

WHEREAS, the County has sufficient funds in the Road/Bridge Fund to pay for these purchases, and

WHEREAS, the County Board wishes to pay for these purchases out of this years’ budget, and

WHEREAS, Section 23-135 of the Revised Statutes of the State of Nebraska states, “A County Board may by resolution approve the payment for a particular piece of personal property prior to the receipt of such property by the County”.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors, that the County Clerk be hereby empowered and directed to make checks payable as follows:

Scotwood Industries	\$ 24,581.00	For Magnesium Chloride
Midwest Services and Sales Co.	\$142,523.80	For Bridge & Various Steel
Murphy Tractor	\$193,000.00	For 772G Maintainer
Wick’s Trucks	\$ 97,088.00	For Western Star Semi Tractor

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman
Butler County Board of Supervisors

ATTEST:
Vicki L. Truksa



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Vicki L. Truksa, County Clerk

Resolution 2017 – 18

Resolution 2017 – 18 was presented for the board's consideration. Moved by Slama, seconded by Potter to approve and adopt Resolution 2017 – 18 as presented. Upon roll call vote the following voted aye: Slama, Potter, Janak, Steager, Krafka, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2017 – 18**

WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of equipment and vehicles that require specific funding, and

WHEREAS, the Ag Extension Agent Department will be required to set aside and maintain funds for the future purchase of equipment, and

WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the General Fund (Ag Extension Agent Department) to the Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$4,000.00 from the General Fund to the Equipment Sinking Fund.

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa
Vicki L. Truksa, County Clerk

Resolution 2017 – 19

Resolution 2017 – 19 was presented for the board's consideration. Moved by Steager, seconded by Krafka to approve and adopt Resolution 2017 – 19 as presented. Upon roll call vote the following voted aye: Steager, Krafka, Slama, Potter, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2017 – 19**

WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of equipment and vehicles that require specific funding, and

WHEREAS, the Noxious Weed Department will be required to set aside and maintain funds for the future purchase of equipment, and

WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the General Fund (Noxious Weed Department) to the Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$5,000.00 from the General Fund to the Equipment Sinking Fund.

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman

ATTEST:



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/s/ Vicki L. Truksa

Vicki L. Truksa, County Clerk

Resolution 2017 – 20

Resolution 2017 – 20 was presented for the board’s consideration. Moved by Janak, seconded by Slama to approve and adopt Resolution 2017 – 20 as presented. Upon roll call vote the following voted aye: Janak, Potter, Slama, Krafka, and Mach. The following voted nay: None. Abstaining: Steager. Absent: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2017 – 20**

WHEREAS, Butler County, Nebraska (“Butler County”) provides a public safety answering point (“PSAP”) which receives 911 service calls and either dispatches emergency services or relays calls to the appropriate public service agency, and

WHEREAS, the Nebraska Public Service Commission, pursuant to the Enhanced Wireless 911 Services Act, has set a surcharge to be collected by wireless carriers and paid by their wireless customers to help fund certain costs of E-911 Wireless, and

WHEREAS, Butler County receives a portion of the surcharge funds from the Nebraska Public Service Commission, and is allowed to save or set aside up to 75% of the funds received for future equipment/software purchases and upgrades, and

WHEREAS, for the fiscal year 2015-2016 all funds received were deposited into the 911 Wireless Service Fund,

WHEREAS, Butler County is allowed to set aside funds in the amount of \$7,849.72, amount remaining from fiscal year 2015-2016 for future equipment/software purchases and upgrades.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$7,849.72 from the 911 Wireless Service Fund to the 911 Wireless Service Holding Fund.

Dated this 19th day of June, 2017.

/s/ David W. Mach

David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa

Vicki L. Truksa, County Clerk

Resolution 2017 – 21

Resolution 2017 – 21 was presented for the board’s consideration. Moved by Krafka, seconded by Potter to approve and adopt Resolution 2017 – 21 as presented. Upon roll call vote the following voted aye: Krafka, Slama, Potter, Janak, and Mach. The following voted nay: None. Abstaining: Steager. Absent: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2017 – 21**

WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of communication equipment that requires specific funding, and

WHEREAS, the 911 Emergency Services department will be required to set aside and maintain funds for the future purchase of communication equipment, and



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WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the 911 Emergency Services Fund to the Communication Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$30,000.00 from the 911 Emergency Services Fund to the Communication Equipment Sinking Fund.

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa
Vicki L. Truksa, County Clerk

Resolution 2017 – 22

Resolution 2017 – 22 was presented for the board's consideration. Moved by Potter, seconded by Krafka to approve and adopt Resolution 2017 – 22 as presented. Upon roll call vote the following voted aye: Potter, Slama, Krafka, Steager, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2017 - 22

WHEREAS, on June 5, 2017, the Butler County Sheriff's Office purchased an APX 8000 All Band Portable Radio from Motorola Solutions for the cost of \$5,646.20; and

WHEREAS, on June 1, 2017, the Butler County Sheriff's Office purchased a Gun Range Building from Mid-America Structures for the cost of \$4,995.00; and

WHEREAS, the County Sheriff has sufficient funds in their budget to pay for the equipment and building; and

WHEREAS, Motorola Solutions and Mid-America Structures have informed the County Sheriff, that delivery of the equipment and building will not be made for several weeks from the date of the order; and

WHEREAS, the County Sheriff, wishes to pay for the equipment and building out of this year's budget; and

WHEREAS, Section 23-135 of the Revised Statutes of the State of Nebraska states, "A County Board may by resolution approve the payment of a particular piece of personal property prior to the receipt of such property by the County".

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors, that the County Clerk be hereby empowered and directed to make a check payable to Motorola Solutions in the amount of \$5,646.20, and to Mid-America Structures in the amount of \$4,995.00 for payment of the equipment and building.

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa
Vicki L. Truksa, County Clerk



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Resolution 2017 – 23

Resolution 2017 – 23 was presented for the board’s consideration. Moved by Slama, seconded by Janak to approve and adopt Resolution 2017 – 23 as presented. Upon roll call vote the following voted aye: Slama, Potter, Janak, Steager, Krafka, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2017 – 23**

WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of equipment and vehicles that require specific funding, and

WHEREAS, the County Sheriff will be required to set aside and maintain funds for the future purchase of equipment, and

WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the General Fund (County Sheriff) to the Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$10,000.00 from the General Fund to the Equipment Sinking Fund.

Dated this 19th day of June, 2017.

/s/ David W. Mach
David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa
Vicki L. Truksa, County Clerk

Agreement-Lancaster County Youth Services Center

An agreement with the Lancaster County Youth Services Center for juvenile detention services was presented for the board’s consideration. Following discussion, it was the consensus of the board not to renew the agreement.

The Chairman recessed the meeting at 12:15 p.m., for lunch. The meeting was reconvened at 1:00 p.m.

Supervisor Krafka was excused from the meeting.

Executive Session-Annual Employee Evaluation

Moved by Potter, seconded by Slama to enter Executive Session at 1:00 p.m., for the purpose of conducting the annual employee evaluation for Jim Rerucha. Upon roll call vote the following voted aye: Potter, Slama, Steager, Janak, and Mach. The following voted nay: None. Absent: Birkel and Krafka. Motion carried.

Moved by Janak, seconded by Steager to exit Executive Session at 2:15 p.m. Upon roll call vote the following voted aye: Janak, Steager, Slama, Potter, and Mach. The following voted nay: None. Absent: Birkel and Krafka. Motion carried.

Amended Payment in Lieu of Medical Insurance Policy

This matter is tabled till the next meeting.

Budget Increase for 2017-2018



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Discussion was held on the budget increase for the 2017-2018 fiscal year budget. It was the consensus of the board to allow a 2% employee increase, and a 2% budget increase.

State of Nebraska, Department of Environmental Quality

Notification was received from the State of Nebraska, Department of Environmental Quality of a Modified Phased Construction and Operating Permit being issued to DNA-Atlas Site Concentrated Animal Feeding Operation, located in the SW1/4, Section 3, Township 14 North, Range 4 East.

Public Defender Contract

A contract between Butler County and Bryan C. Meisner for Public Defender services was presented for the board's consideration. The contract is for the period of July 1, 2017 through June 30, 2019. Moved by Steager, seconded by Janak to approve the contract for the period of July 1, 2017 through June 30, 2019. Upon roll call vote the following voted aye: Steager, Janak, Potter, Slama, and Mach. The following voted nay: None. Absent: Birkel and Krafka. Motion carried.

Discussion

Supervisor Potter initiated discussion on the township form of government.

Correspondence

Correspondence was received from the following:

1. Blue Valley Community Action Partnership-meeting agenda, meeting minutes, news articles

Executive Session-Butler County Landfill Litigation

Moved by Potter, seconded by Steager to enter Executive Session at 3:25 p.m. for the purpose of discussing the Butler County Landfill litigation. Upon roll call vote the following voted aye: Potter, Janak, Steager, and Mach. The following voted nay: Slama. Absent: Birkel and Krafka. Motion carried.

Moved by Potter, seconded by Janak to exit Executive Session at 3:45 p.m. Upon roll call vote the following voted aye: Potter, Janak, Steager, Slama, and Mach. The following voted nay: None. Absent: Birkel and Krafka. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 3:48 p.m. The next meeting will be July 3, 2017 at 9:00 a.m.

Vicki L. Truksa
County Clerk

David W. Mach
Chairman



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