

# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

October 15, 2018

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 15<sup>th</sup> day of October, 2018 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, Max Birkel, Scott Steager, Greg Janak, and David Potter.

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 Pledge of Allegiance was recited by all present.

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 the minutes of the previous meeting shall stand approved as presented.

### ***NBCS Report Forms/Approval & Certification***

The Road Department's annual report to the Board of Public Roads and Classification and Standards was presented for the board's approval and certification at the last meeting. Since that time, the Highway Superintendent as of June 30, 2018 had been contacted and was not willing to sign the documents. Supervisors Potter and Birkel had contacted LeMoyne Schultz, Nebraska Department of Transportation for his recommendation as to the individual that would be authorized to sign the reports. It was suggested that a memo be attached to the documents with an explanation of the signature being affixed. Moved by Slama, seconded by Janak to authorize the Chairman to sign the documents with a memo attached. Upon roll call vote the following voted aye: Slama, Krafska, Steager, Janak, Birkel, Potter, and Mach. The following voted nay: None. Motion carried.

### ***Resolution 2018-32/Certificate of Completion***

Resolution 2018-32 was presented for the board's consideration. Moved by Potter, seconded by Krafska to approve and adopt Resolution 2018-32 as presented. Upon roll call vote the following voted aye: Potter, Slama, Krafska, Steager, Janak, Birkel, and Mach. The following voted nay: None. Motion carried.

## **COUNTY BOARD RESOLUTION CERTIFICATE OF COMPLETION**

Butler County  
Resolution No. 2018-32

WHEREAS, Butler County and State entered into an agreement entitled "LPA High Risk Rural Road Advance Railroad Warning Sign Project Program Agreement" (Program Agreement), for the installation of Advance Railroad Warning Sign on county roads (the Project), Agreement Number BL1648, signed by State on December 2nd, 2016

WHEREAS, the Butler County Highway Superintendent has informed; and the Board that the Project has been completed by County in accordance with the terms of the Program Agreement, and



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WHEREAS, the Program Agreement requires that the County Board certify to State that the Project has been properly completed.

Be It Resolved: by the Board of Supervisors of Butler County:

- (1) The Project, for the installation of Advance Railroad Warning Signs has been completed by County in accordance with the terms of the Program Agreement.
- (2) The Advance Railroad Warning Signs (a) conform to the requirements of the current Manual on Uniform Traffic Control Devices (MUTCD), (b) were installed at the locations shown on Exhibit "B" to the Program Agreement, (c) were installed as required by the MUTCD
- (3) LPA accepts ownership of the Advance Railroad Warning Signs.
- (4) County agrees to, at its own cost, protect and maintain the signs in proper condition and in working order. In the event that the traffic control devices are lost, stolen, damaged or destroyed, LPA shall be responsible for replacing or repairing the traffic control devices at LPA's sole costs.
- (5) LPA shall be responsible for meeting all environmental commitments during and after the Advance Railroad Warning Signs installation on the project,

NDOR Project Number: HRRR-STWD (116)

NDOR Control Number: 00868

NDOR Project Name: Advance Railroad Warning Signs

Adopted this 15<sup>th</sup> day of October, 2018 at David City Nebraska.

The Board of Supervisors of Butler County

/s/ David W. Mach

/s/ Scott Steager

/s/ Kevin Slama

/s/ Max Birkel

/s/ Greg Janak

/s/ David Potter

/s/ Tony Krafka

Board Member Potter moved the adoption of said resolution, Member Krafka seconded the Motion

Roll Call: 7 Yes, 0 No, 0 Abstained, 0 Absent

Resolution adopted, signed and billed as adopted.

Attest:

/s/ Vicki L. Truksa

Signature County Clerk

## ***Hiring of New Employee***

Chairman Mach explained the Road and Bridge Committee had met to review applications submitted for a position with the Road Department. One applicant was interviewed. The committee is recommending that individual be hired for the position.

Supervisor Birkel stated that he had contacted other counties of similar size to Butler County, inquiring on the number of Road Department employees. He stated that Butler County is on the upper end in the number of employees.

Moved by Krafka, seconded by Potter to hire the applicant interviewed with a starting wage of \$17.00 per hour. Upon roll call vote the following voted aye: Krafka, Slama, Potter, Janak, Steager, and Mach. The following voted nay: Birkel. Motion carried.

## ***Employee Hiring for Bridge Crew***



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Randy Isham, Bridge Crew Foreman discussed with the board the need to hire additional employees for the bridge crew in springtime. It was the consensus of the board that this be delayed until the Highway Superintendent position is filled.

## ***Semi-Tractor Bids***

Bids were received and publicly opened from the following:

1. Volvo Truck of Omaha, Inc.		
Volvo 84T300		\$108,550.00
2. RDO Truck Centers		
2018 Mack CHU613		\$118,748.00
2020 Mack Anthem 64T		\$114,506.00
2020 Mack Anthem 64T		\$107,527.00
3. Wick's Trucks		
2020 Western Star 4700SF		\$105,030.00
2019 Western Star 4700SB		\$111,000.00
4. Cornhusker International Trucks, Inc.		
2018 International LT625		\$117,350.00

Moved by Steager, seconded by Birkel to have the Interim Road Department Head and Bridge Crew Foreman review the bids and report back to the board. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Potter, Slama, Krafka, and Mach. The following voted nay: None. Motion carried.

## ***Belly Dump Trailer Bids***

Bids were received and publicly opened from the following:

1. Jim Hawk Truck Trailer, Inc.		
2019 Construction Trailer Specialists 46'6"		\$46,528.00
2. Murphy Tractor & Equipment		
2019 Ranco 020-0530		\$51,000.00
3. Charles Blass Welding, LLC		
2019 Road Master LWG 4703CG		\$49,000.00
4. RDO Truck Centers		
2019 R-Way T4223 Tri Spring		\$40,950.00
2017 R-Way T4623 Tri Air		\$44,000.00
2019 R-Way T4623 Tri Air XG		\$48,920.00

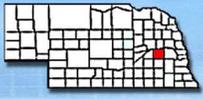
Moved by Janak, seconded by Slama to table a decision on the trailer bids, having the Interim Road Department Head and Bridge Crew Foreman review the bids and make a recommendation back to the board. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Slama, Potter, Birkel, and Mach. The following voted nay: None. Motion carried.

## ***Disposition of Surplus Property***

Tom Kobus, Interim Road Department Head discussed with the board surplus items that he suggests be sold by the County. The items are a gravel pup, cable scraper, snow blower, and pickup. Moved by Krafka, seconded by Janak to authorize the advertisement of these items on Auction Time. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Potter, Slama, and Mach. The following voted nay: None. Motion carried.

## ***District 2 Road Shed***

Discussion was held regarding the need to replace the sliding doors on the District 2 Road shed in Bellwood. It was the consensus of the board to have informal quotes or bids for the replacement of the doors obtained, and brought before the board at a future meeting.



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Moved by Birkel, seconded by Steager to enter Board of Equalization at 10:00 a.m. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Slama, Potter, and Mach. The following voted nay: None. Motion carried.

## ***BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)***

### ***Addendum to Employee Handbook***

The County Attorney drafted an Emergency Call-Out Policy and Maximum Vacation Balance Addendums to the Employee Handbook, as requested at the October 1, 2018 meeting. A draft copy of the addendums was distributed to the elected officials prior to the meeting for review.

A letter of support for the addendums was read from Karey Adamy, County Treasurer who was not able to attend the meeting.

Chairman Mach stated that he felt the compensation should be at time and one-half for all call out hours, no matter if the employee has worked 40 hours or not in that week.

Supervisor Birkel said that he had checked with 14 other counties and none of those counties even had a call-out policy.

Tom Kobus stated that even with the policy, employees may still not be responsive to emergency call-outs.

The County Attorney stated that premium pay can be determined at any rate. There should be job descriptions for each employee, and negative repercussions for employees who refuse to answer emergency call-outs.

Supervisor Krafka asked who would approve these addendums to the Employee Handbook. The County Attorney responded that the addendums would need to be approved by all elected officials.

The representatives from the Road Department that were in attendance at the meeting stated they felt the employees would not be satisfied with the call-out policy as it is written.

Supervisors Steager, Slama, and Krafka will schedule a meeting with the Road Department employees to hear the employees concerns with the Employee Handbook, and report back to the board on November 5, 2018.

### ***Request for Reimbursement of Expenses***

Sam Barlean appeared before the board with a request for reimbursement of expenses. The expenses incurred pertain to a court case in which Mr. Barlean was found not guilty on both counts.

The County Attorney stated that attorney fees are not reimbursable expenses from the County.

It was the consensus of the board to submit the claim to NIRMA.

At 11:40 a.m., Chairman Mach announced that the Board would take a short recess.

At 11: 45 a.m., Chairman Mach announced that the Board would reconvene.

### ***Bridge #1610 Repair/Replacement***

A list of options for the repair or replacement of bridge #1610 (25 Road, between R Road and S Road, Plum Creek Township) was presented. Discussion followed, with Supervisor Potter stating that he would meet with the Plum Creek Township board to explain the options and report back to the board.

### ***25 Road & U Road Intersection***



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Matt Manning, Mainelli Wagner presented two sets of plans for the improvement of the 25 Road and U Road intersection. Moved by Potter, seconded by Steager to authorize option A plans as presented, instructing Mainelli Wagner to draft the necessary land rights documents. Upon roll call vote the following voted aye: Potter, Birkel, Janak, Steager, Krafka, Slama, and Mach. The following voted nay: None. Motion carried.

## ***NRD Funds***

Discussion was held in regards to the possibility of funds being available from the Natural Resources District to be utilized for the costs of channel stabilization structures along Skull Creek. Supervisor Potter will check with the Lower Platte North Natural Resources Districts and report at the next meeting.

## ***Discussion***

Matt Manning, Mainelli Wagner informed the board of a bridge replacement project on the Butler/Saunders County line. Saunders County will be contacting Butler County for an Interlocal Agreement for cost share of the project.

Mr. Manning asked the board if they were still wanting Mainelli Wagner to complete a pavement assessment of the Brainard-Dwight road. It was the consensus of the board to move ahead with the project.

## ***Land Acquisition for New Road Shop***

Discussion was held pertaining to acquiring land for the construction of a new road shop and maintenance yards. It was the consensus of the board to wait till the Highway Superintendent position is filled.

## ***Payment for Flu Vaccinations***

Due to scheduling conflicts, some employees were not able to attend the flu vaccination clinic held by Four Corners Health Department for county employees. Moved by Steager, seconded by Potter to approve payment for the flu vaccinations if administered by Four Corners Health Department, Witter Family Medicine, and Butler County Health Care Center. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Potter, Slama, Krafka, and Mach. The following voted nay: None. Motion carried.

## ***Purchase of Pickups***

Tom Kobus discussed the need to purchase 1 or 2 new pickups, utilizing the state bids, for the Road Department. It was the consensus of the board to wait till the Highway Superintendent position is filled.

## ***Sign Truck Bed***

Informal quotes for a flatbed for the new sign truck were circulated for the board to review. Moved by Janak, seconded by Krafka to approve the purchase of the flatbed from Gary Gross Truck and Accessories for \$4,520.00. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Slama, Potter, Birkel, and Mach. The following voted nay: None. Motion carried.

## ***County Clerk Monthly Fee Report***

The County Clerk fee report for the month of September, 2018 was accepted and placed on file.

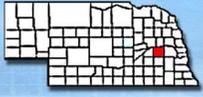
## ***Clerk of the District Court Monthly Fee Report***

The Clerk of the District Court fee report for the month of September, 2018 was accepted and placed on file.

## ***Set Date and Time to Conduct Interviews for Highway Superintendent Position***

All applications received for the Highway Superintendent position were reviewed by the board. A special meeting of the board will be held on October 30, 2018 at 1:00 p.m. to conduct interviews.

## ***Structure and Procedures for Subcommittees***



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Discussion was held as to the structure of subcommittees, and procedures to follow in subcommittee meetings. The County Attorney relayed the following information to the board on subcommittees. The board needs to state how the subcommittees are established, and the authority given to the committee. Each committee needs to have an agenda for the meeting, minutes of the meeting need to be filed with the County Clerk, and the parent group (the board) needs to have knowledge of when committee meetings are being scheduled.

## ***Quarterly Jail Inspection***

The board conducted the quarterly jail inspection from 1:40 p.m., until 2:00 p.m.

## ***County Attorney Conference/Approval of Travel Reimbursement***

The County Attorney Conference is to be held in Omaha this year. According to the travel reimbursement policy, if an event is held less than 100 miles from the courthouse, prior approval from the County Board must be obtained for hotel/motel expense reimbursements. Moved by Birkel, seconded by Janak to approve the County Attorney and Deputy County Attorney travel reimbursements. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Slama, Potter, and Mach. The following voted nay: None. Motion carried.

## ***Claims***

Moved by Krafka, seconded by Janak to approve for payment the claims as presented with the corrected amount of \$179,762.59 for the General Fund salaries. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Potter, Slama, and Mach. The following voted nay: None. Motion carried.

## ***Discussion***

Supervisor Steager informed the board that he had visited with a representative from Constructor's, Inc. and was told that the southwest parking lot of the courthouse will be finished and can be used starting October 22, 2018.

Supervisor Steager was excused at 3:30 p.m.

## ***Correspondence***

Correspondence for the board was received from:

1. Mattson Ricketts Law Firm-informing the board that Butler County Landfill, Inc. intends to submit an application under the Local Siting Act and requests that the board ask the Department of Environmental Quality to send a representative to testify at the public hearing
2. Nebraska Association of County Officials-announcement of agenda for the 2018 NACO Annual Conference scheduled in December
3. Blue Valley Community Action Partnership-Board of Directors meeting agenda, Board of Directors proceedings, newspaper articles

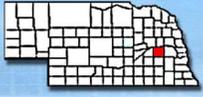
## ***Executive Session/Notice of Claim Pursuant to Nebraska Political Subdivision Tort Claims Act***

The County Attorney informed the board of the Tort Claim being filed on behalf of Kathy Engel, which she forwarded to NIRMA.

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

Moved by Janak, seconded by Slama to exit Executive Session at 3:50 p.m. Upon roll call vote the following voted aye: Janak, Krafka, Slama, Potter, Birkel, and Mach. The following voted nay: None. Absent: Steager. Motion carried.

The Chairman announced that no formal action was taken.



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There being no further business to come before the board, the Chairman adjourned the meeting at 4:00 p.m. The next regular meeting of the Board of Supervisors will be on November 5, 2018 at 9:00 a.m.

Vicki L. Truksa  
County Clerk

David W. Mach  
Chairman