

Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

May 6, 2019

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6th day of May, 2019 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

Present were the following: David W. Mach, Tony Krafka, Scot Bauer, Max Birkel, Scott Steager, Greg Janak, and Anthony Whitmore.

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 from the previous meetings (April 15, 2019, April 22, 2019, April 24, 2019, and April 29, 2019) shall stand approved as presented.

Road Department- Utility Permit Request

The following Windstream Nebraska, Inc. utility permit requests were submitted:

1. Extend 6,600 feet of fiber to provide 20Mb service to 3518 R Road
2. Place 20,900 feet of fiber optic cable in the Bruno exchange
3. Installation of service to 4075 QR Road

Moved by Krafka, seconded by Steager to approve the utility permit requests as presented. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Whitmore, Bauer, and Mach. The following voted nay: None. Motion carried.

Constructor's, Inc. Contract

The contract between Butler County and Constructors, Inc. for the Dwight North Overlay Project which includes the supplemental for Dwight and Brainard was received. Moved by Janak, seconded by Bauer to authorize the Chairman to sign the contract with Constructors Inc. along with the supplementals for Brainard and Dwight. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: None. Motion carried.

Discussion/Possible Action on the Gravel Allotment Policy

Jim McDonald, Highway Superintendent discussed with the board the Butler County Highway Department Gravel Policy. The policy states that 44 yards of gravel will be allotted for each township mail route mile. The Highway Superintendent suggested that the policy be changed to read mail route gravel as needed, as he feels there are miles of roads that have too much gravel on them. Following discussion, it was the consensus of the board not to change the policy at this time, and possibly review at a later date.

Discussion/Report on Storm Damage

The Highway Superintendent informed the board as to projects that have been completed that relate to damage that was sustained during the recent flooding.



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Discussion/New Road Department Building

The County received the deed for the real estate and building purchased that will be utilized by the Highway Department. Discussion followed about the security systems in the building and on the exterior, updating of the signage on the building, and utilization of office space.

Clerk of the District Court Monthly Fee Report

The Clerk of the District Court fee report for the month of April, 2019 was accepted and placed on file.

County Clerk Monthly Fee Report

The County Clerk fee report for the month of April, 2019 was accepted and placed on file.

Discussion/Date to Conduct Employee Evaluations

The Board of Supervisors annually conduct evaluations for those employees who are under their direction. It was decided that the evaluations will be conducted on June 17, 2019 starting at 1:00 p.m.

Public Hearing/Catering License Application

The Butler County Ag Society has applied to the Nebraska Liquor Control Commission for a Catering Endorsement to their Liquor License. The holder of a catering license may deliver, sell, or dispense alcoholic liquor/beer for consumption at events that hold a Special Designated License. The County Board is required to hold a hearing to allow any person to give evidence in support of or in protest against the issuance of such license. Moved by Steager, seconded by Birkel to open the hearing at 10:00 a.m. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: None. Motion carried.

No public comment was taken.

Moved by Birkel, seconded by Whitmore to close the hearing at 10:08 a.m. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafka, Steager, Janak, and Mach. The following voted nay: None. Motion carried.

Approval of Application/Butler County Ag Society

Moved by Bauer, seconded by Krafka to approve the Catering Application of Butler County Ag Society. Upon roll call vote the following voted aye: Bauer, Krafka, Steager, Janak, Birkel, Whitmore, and Mach. The following voted nay: None. Motion carried.

Request for Local Governing Body Approval for Special Designated License

A request for Local Governing Body Approval for a Special Designated License to be used for an event to be held on July 18, 2019 at the Butler County Fairgrounds was submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery. Moved by Birkel, seconded by Whitmore to approve the issuance of a Special Designated License as requested. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafka, Steager, Janak, and Mach. The following voted nay: None. Motion carried.

Purchase of Equipment for Time and Attendance Program

Discussion was held pertaining to the number of time clocks, used for the time and attendance program, that will need to be ordered from MIPS. The board instructed the County Clerk to proceed with the order for 10 time clocks to be installed for county employees to use.

At 10:20 a.m., Chairman Mach announced that the Board would take a short recess.

At 10:28 a.m., Chairman Mach announced that the Board would reconvene.



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Moved by Steager, seconded by Whitmore to enter Board of Equalization at 10:30 a.m. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: None. Motion carried.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Discussion/Possible Action on Employee Health and Dental Insurance

Information was received from the Nebraska Association of County Officials that their Board of Directors made a final decision in regards to the premium rates for the 2019-2020 plan year for the NACO Health and Dental insurance pool with BlueCross BlueShield Nebraska. This year the increase will be very close to 0% for health insurance and 0% for dental insurance.

Moved by Steager, seconded by Bauer to renew the NACO \$2500 deductible health plan. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Birkel, Janak, and Mach. The following voted nay: None. Motion carried.

Moved by Steager, seconded by Bauer to amend the motion to include renewal of the dental PPO plan premier option 3. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Birkel, Janak, and Mach. The following voted nay: None. Motion carried.

Blue Valley Behavioral Health

Jon Day, Executive Director of Blue Valley Behavioral Health appeared before the board to share information about the substance abuse services that are offered to Butler County adults and children. Blue Valley Behavioral Health is requesting continued support from Butler County in the amount of \$5,720.00 for fiscal year 2019-2020.

County Treasurer/Approval of Lodging Expense

Karey Adamy, County Treasurer appeared before the board to request approval of lodging expense for the Treasurer's conference that is being held in York, Nebraska. As per the Butler County Employee Handbook, if an event is held less than 100 miles from the courthouse, prior approval from the County Board must be obtained. Moved by Birkel, seconded by Janak to approve the lodging expense as requested. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: None. Motion carried.

Resolution 2019-14/Pledged Security

Resolution 2019-14 was presented for the board's consideration. Moved by Steager, seconded by Birkel to approve and adopt Resolution 2019-14 as presented. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: None. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 - 14**

WHEREAS, the Butler County Treasurer has been notified by Cornerstone Bank, York, Nebraska, that the following security has been pledged:

CUSIP NO. 80384UAG6

Par Amount \$70,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the County Treasurer be hereby instructed to accept and file the Receipt CUSIP No. 80384UAG6 as requested by Cornerstone Bank, York, Nebraska.

Dated this 6th day of May, 2019.



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/s/ David W. Mach

David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa

Vicki L. Truksa, County Clerk

Resolution 2019-15/Directing Foreclosure Proceedings on Tax Sale Certificates

Resolution 2019-15 was presented for the board's consideration. Moved by Janak, seconded by Birkel to approve and adopt Resolution 2019-15 as presented. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: None. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2019 - 15

WHEREAS, the Butler County is the owner and holder of Tax Sale Certificate Numbers 465, 481, 484, 503, 504, 506, and 522 issued by Butler County, Nebraska for all delinquent regular taxes and/or special assessments thereon for the years set forth therein, under the provisions of Neb. Rev. Stat. Sec. 77-1809 (Reissue 2018):

WHEREAS, said certificates were sold to Butler County, Nebraska and the Certificates of Tax Sale was issued to Butler County, Nebraska; and

WHEREAS, Butler County, Nebraska is entitled to foreclose on the Tax Sale Certificates set forth above.

NOW THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Attorney is directed to institute and prosecute foreclosure of Tax Sales Certificate Numbers 465, 481, 484, 503, 504, 506, and 522 in accord with the provisions of Article 19, of Chapter 77 of the Nebraska Revised Statutes and other laws governing such procedure, on behalf of Butler County, Nebraska and the State of Nebraska and other political subdivisions of the said State and municipal bodies on whose behalf such taxes and subsequent taxes and special assessments on said property were levied in foreclosing such certificate and subsequent special assessments and liens on said real estate.

Dated this 6th day of May, 2019.

/s/ David W. Mach

David W. Mach, Chairman

Butler County Board of Supervisors

ATTEST:

/s/ Vicki L. Truksa

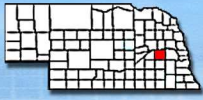
Vicki L. Truksa, County Clerk

Reimbursement of Bailiff's 2018 Salary and Expenses

Julie Reiter, County Attorney explained to the board the terms of an Interlocal Agreement which provides for the reimbursement of the salary, benefits, and expenses of the District Court Bailiff. The reimbursement is to be calculated according to the proportional workload of the various courts. For 2018, the total cost of the salary and benefits was \$3,149.39, which was paid by Saunders County. Butler County's share is \$699.16, to be reimbursed to Saunders County. Moved by Bauer, seconded by Whitmore to approve the reimbursement. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Janak, Steager, Krafka, and Mach. The following voted nay: None. Motion carried.

Letter of Resignation/Flood Plain Administrator

A letter of resignation was received from Robin Sullivan, stating that she will be resigning from her position as Butler County Flood Plain Administrator effective May 24, 2019. Moved by Janak, seconded by Krafka to accept the letter of



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resignation. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Bauer, Whitmore, Birkel, and Mach. The following voted nay: None. Motion carried.

Discussion followed pertaining to advertising this position. It was decided to place the advertisement in The Banner-Press on May 16, 2019 and May 23, 2019 and also, place the advertisement on the county website. The deadline for submitting applications was set for May 31, 2019.

Lease Cash Rent/County owned Real Estate

The agreement between Butler County and Kastl Brothers to lease a tract of land in Section 35, Township 16 North, Range 4 East that is owned by county was presented for the Chairman to sign. Moved by Birkel, seconded by Steager to authorize the Chairman to sign the agreement. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: None. Motion carried.

Resolution 2019-16/Transfer of Funds

Resolution 2019-16 was presented for the board's consideration. Moved by Krafka, seconded by Whitmore to approve and adopt Resolution 2019-16 as presented. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Janak, Steager, and Mach. The following voted nay: None. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 - 16**

WHEREAS, the Butler County Board of Supervisors is obligated to levy funds for the Road Fund through the General Fund of Butler County; and

WHEREAS, the Butler County Road Department is requiring funds in order to keep up the maintenance and operation of said department; and

WHEREAS, funds are available in the General Fund to transfer to the Road Fund in the amount of \$796,496.97.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$796,496.97 to the Road Fund for the maintenance and operations of said Road Department from the General Fund.

Dated this 6th day of May, 2019.

/s/ David W. Mach

David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa

Vicki L. Truksa, County Clerk

Resolution 2019-17/Transfer of Funds

Resolution 2019-17 was presented for the board's consideration. Moved by Janak, seconded by Bauer to approve and adopt Resolution 2019-17 as presented. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: None. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 - 17**



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WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interests of the County for the Road Department to proceed with various county road projects and/or equipment purchases for the completion of said projects that require specific funding; and

WHEREAS, County road funds will be required to be set aside and maintained by the County Road Department for said project(s); and

WHEREAS, said road funds, in order to be maintained for said project(s), must be transferred from the Road Fund to the Special Road Fund;

WHEREAS, funds are available in the Road Fund to transfer to the Special Road Fund in the amount of \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$500,000.00 from the Road Fund to the Special Road Fund.

Dated this 6th day of May, 2019.

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

ATTEST:

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

Resolution 2019-18/Transfer of Funds

Resolution 2019-18 was presented for the board's consideration. Moved by Bauer, seconded by Birkel to approve and adopt Resolution 2019-18 as presented. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Janak, Steager, Krafka, and Mach. The following voted nay: None. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2019 – 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 \$5,500.00 from the General Fund to the Equipment Sinking Fund.

Dated this 6th day of May, 2019.

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

ATTEST:

/s/ Vicki L. Truksa



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Vicki L. Truksa, County Clerk

Resolution 2019-19/Transfer of Funds

Resolution 2019-19 was presented for the board's consideration. Moved by Steager, seconded by Krafka to approve and adopt Resolution 2019-19 as presented. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Janak, and Mach. The following voted nay: None. Abstaining: Birkel. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 – 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 \$10,000.00 from the General Fund to the Equipment Sinking Fund.

Dated this 6th day of May, 2019.

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

ATTEST:

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

Resolution 2019-20/Transfer of Funds

Resolution 2019-20 was presented for the board's consideration. Moved by Janak, seconded by Birkel to approve and adopt Resolution 2019-20 as presented. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: None. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 – 20**

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 Management department will be required to set aside and maintain funds for the future purchase of communication equipment, and

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



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Dated this 6th day of May, 2019.

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

ATTEST:

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

Unpaid Accrued Vacation Leave/County Clerk

Vicki Truksa, County Clerk discussed with the board the issue of her unpaid vacation leave. She was appointed to the County Clerk position effective August 5, 2007; at that time, she had hours of unpaid accrued vacation leave. During the August 20, 2007 board meeting, the issue of accumulated vacation pay was discussed during an Executive Session. Following the conclusion of the Executive Session, the Chairman stated "on the issue of accumulated vacation pay, no action was taken, continue to follow employee handbook". The employee handbook stated that each employee who terminates his/her employment shall be entitled to compensation for any earned and unused vacation. The Chairman will be contacting Pam Bourne, who answers the NIRMA (Nebraska Intergovernmental Risk Management Association) employment law help line, as to the correct rate of pay to compensate for the accrued vacation leave.

At 11:50 a.m., Chairman Mach announced that the board would take a short recess.

At 11:55 a.m., Chairman Mach announced that the board would reconvene.

Executive Session/Pending Notice of NIRMA Claim

Moved by Birkel, seconded by Bauer to enter Executive Session at 11:58 a.m., for the purpose of discussing the pending notice of NIRMA claim. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafka, Steager, Janak, and Mach. The following voted nay: None. Motion carried.

Moved by Birkel, seconded by Steager to exit Executive Session at 12:07 p.m. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: None. Motion carried.

The Chairman announced that no action was taken.

Correspondence

Correspondence was received from:

1. Waste Connections-notification of termination of the Solid Waste Disposal Agreement between Butler County Landfill, Inc. and Butler County, Nebraska
2. Southeast Nebraska Area Health Education Center-announcement of family medicine rotation student
3. City of David City Planning Commission-public hearing date and time/Substandard and Blight Study
4. City of David City Council-public hearing date and time/Substandard and Blight Study

There being no further business to come before the board, the Chairman adjourned the meeting at 12:55 p.m.

Vicki L. Truksa
County Clerk

David W. Mach
Chairman