



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

October 7, 2019

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 7th day of October, 2019 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

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

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 meeting shall stand approved as presented.

Road Department

- **3 Utility Permits for Settje Agri-Services for Chicken Houses in Summit Township**

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

- **Utility Permit for Black Hills Energy at 3560 Q Rd in Franklin Township**

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

- **Bid Proposal for MRJ Engineering for Linwood Skull Creek Bridge**

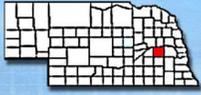
The board requested that the Highway Superintendent check in his budget to make sure he has the funds to pay for the engineering before they will approve the proposal.

- **NBCS Report Forms/Approval & Certification Authorization**

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. Moved by Janak and seconded by Whitmore to authorize the chairman to sign the documents. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Krafka, Steager and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

- **Resolution 2019-42/Certificate of Compliance**

Resolution 2019-42 was presented for the board's consideration. Moved by Birkel and seconded by Steager to approve and adopt Resolution 2019-42 as presented. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Krafka, and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.



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RESOLUTION

SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019

Resolution No. 42

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include a copy of a resolution of the governing body of the county authorizing the signing of the certification form.

Be it resolved that the County Board Chairperson of BUTLER ^{BUTLER} is hereby
(Print name of jurisdiction)
authorized to sign the attached County Annual Certification of Program Compliance form.

Adopted this 7TH day of OCTOBER, 2019 at DAVID CITY Nebraska.
(Month)

County Board Members

Dan W. Mach
[Signature]
Dee Donah
Max Buhl

[Signature]
Anthony C. [Signature]

County Board Member Birkel
Moved the adoption of said resolution
Member Steager Seconded the Motion
Roll Call: 6 Yes 0 No 0 Abstained 1 Absent
Resolution adopted, signed and billed as adopted.

Attest:

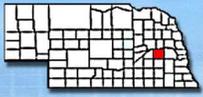
[Signature]
(Signature of Clerk)

- **Update on Roads**
Highway Superintendent, Jim McDonald, addressed the board with an update on the county roads since the last meeting. Gravel is still being delivered throughout the county. Franklin Township is requesting that Road 38 & N be opened. They have raised the roads down by Smokey L Lake. A culvert has been installed on Road 37 between H & I. They have been looking at how to address a bridge that is out on County Road 36 between U &

V, it is a minimum maintenance road, however, it is used by farmers to get to their fields. McDonald also said that he will be working with Polk County to get an interlocal for one of the bridges on A Rd on the boundary that is on the 1 & 6 year road plan.

Terry Papa, Linwood Fire Department – Discussion/Possible Action regarding Radio Tower

Terry Papa presented to the board that they have been able to negotiate a price for the land for the radio tower. They came to ask the board if they would purchase the ground. The Board advised Mr. Papa and others present to purchase the land and the county would take care of purchasing the tower and putting it up, along with anything else to get it functioning. The Board is also looking into how other standalone towers are being taken care of regarding responsibility of expenses and upkeep. The Board said that Linwood Fire can coordinate with the Emergency Manager to get this going.



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Alan Zavodny, City of David City – Permission to use lots for Hallmark

David City Mayor, Alan Zavodny, came before the board requesting use of the County's South Parking lot October 28 through the 30th. The Hallmark Channel is coming to David City to honor Joy Hall, the creator of Hallmark. The City will be closing down D Street between 4th and 5th those days to allow the Hallmark Channel to produce promos for the upcoming Christmas season. Moved by Birkel and seconded by Steager to allow the use of the South Parking lot. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

At 9:55 a.m., Chairman Mach announced that the board would take a short recess.

At 10:00 a.m., Chairman Mach announced that the board would reconvene.

Moved by Steager and seconded by Whitmore to move into the Board of Equalization at 10:00 a.m. Upon roll call vote the following voted aye: Steager, Krafka, Whitmore, Birkel, Janak and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

County Clerk monthly fee report

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

Approval of Official Bond and Oath/Bradley J. Carter, Reading Township

The official Bond and Oath for Bradley J. Carter, Reading Township Board member was presented for the board's approval. The board accepted the bond but did not vote, it will be placed on the next agenda for a vote.

Notification from State of Nebraska Department of Environmental Quality (Notice of Application Received C & R Poultry Farms, LLC Concentrated Animal Feeding Operation, NE ¼, SW ¼, & NW ¼, SE ¼, Section 5, Township 14 North, Range 3 East)

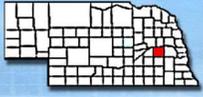
Notification was received from the State of Nebraska Department of Environmental Quality regarding a Notice of Application Received C & R Poultry Farms, LLC Concentrated Animal Feeding Operation, NE ¼, SW ¼, & NW ¼, SE ¼, Section 5, Township 14 North, Range 3 East.

Jim Rerucha, Rebuttal to statements made at the September 3, 2019 board meeting

Mr. Rerucha approached the board to defend himself regarding comments that were made at the September 3, 2019 board meeting. He stated that the minutes did not reflect these comments, however, he had heard they were made. The comment he referred to was that the current Highway Superintendent is getting more done than the previous highway superintendent. As the former Highway Superintendent he wanted it on record the reason why certain projects were not completed during his time. The replacement of the culvert on A Street, he said he wanted to start two separate times, the first time he was advised by the Road and Bridge committee that it was too close to harvest and the second time it was requested by the City of David City Street Department not to start because the city would have too many roads closed at one time, it would have coincided with the downtown project. Rerucha then addressed the road project at U & 25, he said that he was unable to start that project because it was being engineered and when the engineering was completed and the project was put on the 1 & 6 year road plan, he had been asked to resign. Mr. Rerucha went on to list the projects that he had completed while he was superintendent. He lastly stated that he feels there was an injustice because the statement was made and he was not present to be able to defend himself and the board should not condone bringing up names of employees or past employees in a negative manner.

Jim Rerucha, Questions on road projects regarding drainage issues and the 1 & 6 year road plans

Mr. Rerucha presented before the board his concern that policy and procedure was not followed on road project on County Road V in sections 27 and 28. He stated that he was instructed to remove a diversion plug and that during repair



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the road height and width were changed. He does not feel that standards and protocols were followed nor were the section files consulted. He's concerned for the county and what this change in road width and height could do for other areas. Mr. Rerucha asked why this project was done if it was not on the 1 & 6 year road plans and why it took precedence over the 1 & 6 year road plan projects. Mach stated that the road needed to be fixed because it had flood damage from the floods in March. The landowners and the people that have cabins on Smokey L Lake are happy that they can get to their properties. Mr. Rerucha said he was glad that the people are happy, however, he is concerned if standards and protocols continue to be ignored the outcome may not be the same in the future. Mr. Rerucha was also concerned as to whether elevation shots were taken of these roads. Mach stated he thought that the surveyor had been down there. Rerucha stated the importance of dotting i's and crossing t's with all of the road projects.

Mike Hoelscher & Katy Drake, KALM Energy; Scott Zaruba, Black Hills Energy - Approval of Utility Permits for natural gas lines to chicken houses in Summit and Olive Townships

Katy Drake, KALM Energy; Scott Zaruba and Chris Avery, Black Hills Energy presented before the board plans for a utility permit. They presented minutes from the Summit Township board meeting where they presented the permit for their approval on 10/2/2019. The board advised that once the township has signed the utility permit, they would like the Highway Superintendent to review the permit; once that is complete; they can readdress the board for approval.

Kelcie Keeling, Butler County Chamber of Commerce - Discussion potential use of the Hwy 92 County Building

Kelcie Keeling, Butler County Chamber of Commerce, came before the board to discuss the County's intent for the portion of the Highway 92 Building that is not being utilized by the Highway Department. She has been approached by a company that is in need of a space that is 10,000 to 15,000 square feet in size and has fiber optics already in place. She has signed a confidentiality waiver so she could not give any actual details of the potential company, however, she noted how great of an opportunity it would be for the county. The Building and Grounds committee is going to look at the building and the space that Keeling has suggested. They will then coordinate with Keeling. The county attorney advised that there is a process that needs to be followed in the event the Board determines they are going to lease space in that building. She advised Keeling that she relay this information to the company so they are aware of the process as well. This discussion was tabled for a later date, to allow the Building & Grounds committee time to look at the building.

Kelcie Keeling, Butler County Visitor's Committee Requests

- American Legion Post 129

The American Legion Post 129 is updating their display trailer and are requesting funds from the Butler County Visitor's Improvement Fund. Moved by Steager and seconded by Krafka to approve funds in the amount of \$2,000 for the American Legion Post 129. Upon roll call vote the following voted aye: Steager, Krafka, Birkel, Janak and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried. (Whitmore exited the meeting at 11:40 a.m. and re-entered at 11:45 a.m.)

- Butler County Soccer Association

The Butler County Soccer Association is working to improve the parking lot, they are requesting fund from the Butler County Visitor's Improvement Fund. Moved by Janak and seconded by Whitmore to approve funds in the amount of \$2,000 for the Butler County Soccer Association. Upon roll call vote the following voted aye: Janak, Birkel, Krafka, Whitmore and Mach. The following voted nay: NONE. Abstained: Steager. Absent: Bauer. Motion carried.

Discussion on use of the Hwy 92 Building for Human Resources and access to the building

County Attorney, Julie Reiter, presented to the board that she, along with County Treasurer, Karey Adamy and County Clerk, Stephanie Laska have volunteered to be on the committee to get the Human Resources position going. Starting with finding an office and facilities for the department. They would like to look at using space in the Hwy 92 Building. It was also questioned as to who all has access to that building. Currently the only person who has a key is the Highway Superintendent. The Building and Grounds committee said they would be getting keys and access to the security code. The board gave permission to Reiter to go look at the building for the Human Resources Department.

Executive Session - Discussion/Possible Action on potential claim against Highway Superintendent



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Moved by Janak and seconded by Krafka to enter Executive Session at 11:52 a.m. for the purpose of discussing/possible action on potential claim against Highway Superintendent. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Whitmore, Birkel and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

Moved by Birkel and seconded by Whitmore to exit Executive Session at 12:11 p.m. Upon roll call vote the following voted aye: Birkel, Whitmore, Krafka, Steager, Janak and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

Moved by Janak and seconded by Krafka to hire Pam Bourne to represent the Highway Superintendent and the County in regards to the September 23, 2019 correspondence. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Whitmore, Birkel and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

Resolution 2019-41/Transfer from 911 Wireless Service Fund to 911 Wireless Holding Fund

Resolution 2019-41 was presented for the board's consideration. Moved by Steager and seconded by Birkel to approve and adopt Resolution 2019-41 as presented. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Krafka and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2019 – 41

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 2019-2020 all funds received were deposited into the 911 Wireless Service Fund,

WHEREAS, Butler County is allowed to set aside funds in the amount of \$10,630.50 the amount remaining from fiscal year 2019-2020 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 \$10,630.50 from the 911 Wireless Service Fund to the 911 Wireless Service Holding Fund.

Dated this 7th day of October, 2019.

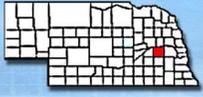
/s/David W. Mach
David W. Mach, Chairman

ATTEST:

/s/Stephanie L. Laska
Stephanie L. Laska, County Clerk

Discussion/Possible Action – Board Supervised Employee Salary Review

The Board reviewed the Board Supervised Employees' salaries and approved increases.



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Moved by Krafka and seconded by Steager to increase Kenny Pelan's wage from \$21.33 to \$23 per hour and make it retroactive back to July 1, 2019. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

Moved by Janak and seconded by Whitmore to increase Diana McDonald's wage from \$18.40 to \$19.32 and make it retroactive back to July 1, 2019. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Krafka, Steager and Mach. The following voted nay: NONE. Absent: Bauer. Motion carried.

Moved by Janak and seconded by Krafka to increase Max Birkel's wage from \$20.53 to \$23.05 and make it retroactive back to July 1, 2019. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Whitmore and Mach. The following voted nay: NONE. Abstained: Birkel. Absent: Bauer. Motion carried.

Moved by Steager and seconded by Whitmore to maintain Greg Janak's wage at \$30.75. Upon roll call vote the following voted aye: Steager, Krafka, Whitmore, Birkel and Mach. The following voted nay: NONE. Abstained: Janak. Absent: Bauer. Motion carried.

Quarterly Expenditures Report

Stephanie Laska, County Clerk presented an Expenditures Report for the period of July 1, 2019 through September 30, 2019. The report was accepted and placed on file.

County Clerk permission to stay at a different hotel than the Election Conference is being held

Laska requested to stay at a different hotel than where the Election Conference is being held. The conference is being held at the Ramada and she stated it's a personal preference to stay elsewhere. Per the handbook reimbursement will be made for a reasonable actual charge, therefore, the board said if it's reasonable she may stay at any hotel.

Committee Reports

- Road & Bridge Committee

The Road and Bridge Committee met with Ulysses Township and discussed options for them to possibly go on their own and end their interlocal agreement with the county.

Discussion/Possible Action regarding the font size for the minutes in the Banner Press

Supervisor Mach requested this discussion, he had a taxpayer reach out and say that the minutes in the newspaper were too small. Laska contacted the Banner Press regarding an increase in the font. The newspaper said they can increase the font, however, it will most likely double the expense. Laska informed the supervisors that the minutes can also be read on the County's website and those are typically up on the website the Friday following the meeting. (Ex. October 7th minutes will be published on the website Friday, Oct 11th by end of day.) The website to find the minutes is: ..

Quarterly Jail Inspection

The quarterly jail inspection was tabled for the October 21, 2019 meeting.

Correspondence

- Count Attorney Julie Reiter received an email with an article regarding the Butler County Landfill, she share the article with the Supervisors.
- Dan Parker, Timpke, reached out to the Board and encouraged them to schedule a tour to see the new facilities.

There being no further business to come before the board, the Chairman adjourned the meeting at 1:52 p.m. The next meeting of the Board of Supervisors will be October 21, 2019 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach
Chairman