



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

November 4, 2019

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 4<sup>th</sup> day of November, 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, Anthony Whitmore, Max Birkel and Scott Steager.  
Absent: Greg Janak.

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**

#### **- Update on Roads**

Highway Superintendent, Jim McDonald, addressed the board with an update on the county roads since the last meeting. Gravel is almost caught up, they still had about 107 yards to deliver. Then they would be stockpiling as long as the pit was up and running. They are still working on the roads down by Smokey L Lake. They have been running ads in the paper for a motor grader operator and had no response. McDonald asked the board when he will be able to resume working on the Hwy 92 building, there is some work that they would like to get done before the ground freezes. The board advised that they would have to vote on that issue and that it would need to be placed on the agenda to revisit at the next meeting.

#### **- Re-hire past county employee, Travis Truksa, for snow removal or gravel hauling as needed**

Moved by Krafka and seconded by Whitmore to re-hire Travis Truksa for snow removal and gravel hauling as needed. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Steager and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

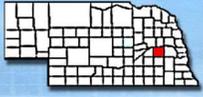
- Supervisor Birkel asked the highway superintendent if he had a plan for snow removal with all of the new chicken houses that have been built in the county this year. The board advised him to contact the owners or review the driveway permits to see if there was a common person to contact. Then develop a plan or a route. They said he needs to be proactive with the winter months approaching.

### **Discussion/Possible action regarding amending the interlocal agreement with Union Township**

County Attorney, Julie Reiter, addressed the board regarding the current interlocal agreement. The current agreement doesn't discuss how the personal property owned by both the County and Union Township will be disposed if/when the agreement is terminated. She offered an amendment, which the board said sounded good, members present from the Union Township board also agreed it sounded agreeable. Reiter left the meeting to type the amendment and attend County Government Day. The discussion was tabled until later in the meeting.

At 9:27 a.m., Chairman Mach excused Supervisor Birkel for County Government Day.

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



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

## ***County Clerk monthly fee report***

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

## ***County Government Day***

At 9:30 a.m. local students from David City Aquinas, David City High School and East Butler entered the meeting. Supervisor Mach described the function of the County Board. Each supervisor introduced themselves and told the students what area in which they were responsible. There were no questions, so the board resumed business and the students observed.

## ***Discussion/Possible Action approving the purchase of a battery backup unit in the server room, due to failure of the existing battery backup***

County Clerk, Stephanie Laska, presented to the board a bill from Applied Connective for the replacement of the battery backup for the server room. In October, due to power outages and a power surge the battery back up failed; as a result, it was necessary to replace the unit as soon as possible. The board advised to include it in the claims for the month.

## ***Discussion on bill from the City of David City for the parking lot***

Presented to the board was a bill for the North parking lot. The board discussed and inquired what the total estimate for the project was. They reviewed the interlocal agreement and the project design from Leo A Daly. Neither had a project estimate. The board advised Laska to research the minutes to see if it was noted at any of the meetings and asked her to report back at the next meeting.

## ***Approval of Employee Appreciation option***

Moved by Steager, seconded by Bauer to allow for each employee to receive a \$25.00 Butler County Chamber of Commerce/Chamber Bucks certificate in lieu of an employee appreciation or recognition dinner. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore and Mach. The following voted nay: None. Absent: Janak, Birkel. Motion carried.

## ***Approval of former employee payroll claim***

Moved by Bauer and seconded by Whitmore to approve the former employee's payroll claim. Upon roll call vote the following voted aye: Bauer, Whitmore, Steager, Krafka and Mach. The following voted nay: NONE. Absent: Janak and Birkel. Motion carried.

## ***Discussion/Possible Action regarding rock thrown from County mower and resulting a broken window***

Presented to the board were pictures of damage to a vehicle and an estimate for repair. Sheriff's department found that a rock had been thrown from the County's mower. Moved by Krafka and seconded by Whitmore to approve the repair. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore and Mach. The following voted nay: Steager. Absent: Janak and Birkel. Motion carried.

## ***Karey Adamy, County Treasurer, Distress Warrants***

County Treasurer, Karey Adamy, presented to the board the distress warrants that were issued on Friday, October 29, 2019.

## ***Correspondence***

1. City of David City Notice of Public Hearing before Planning Commission – November 9, 2019
2. City of David City Notice of Public Hearing before Planning Commission – November 13, 2019
3. NIRMA Annual Membership Meeting and Dividend Distribution Memo
4. Lower Platte South Fall 2019 News letter
5. U.S. Department of Agriculture News Release – Rural Nebraska Communities Disaster Recovery
6. State of Nebraska Commission on Law Enforcement, Nebraska Jail Standards Board Inspection Notice



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## 7. Blue Valley Community Action Regular Meeting and Agenda

### **Discussion**

Supervisor Bauer received a phone call on Sunday around 4:59 p.m. regarding how a 911 Emergency was dispatched. As one of liaisons to the Sheriff's department; he asked for guidance on how to address the complaint. The Board discussed and said they should talk to the Sheriff about addressing the individual's complaint and coming up with a solution.

At 10:11 a.m., Supervisor Birkel returned from County Government day; and the students who came to observe the board left.

At 10:15 a.m., Chairman Mach announced that the board would take a short recess.

At 10:25 a.m., Chairman Mach announced that the board would reconvene.

### **Discussion/Possible Action regarding amending Interlocal Agreement with Union Township Continued...**

Reiter returned with the amended interlocal agreement and presented Resolution 2019-43 for approval.

Moved by Bauer and seconded by Whitmore to approve Resolution 2019-43 as presented. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Steager, Krafka and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

## **ADDENDUM TO THE INTERLOCAL AGREEMENT**

Comes now, Union Township and Butler County, Nebraska and adopt this Addendum to the Interlocal Agreement dated July 1, 2014.

The Interlocal Agreement may be terminated at any time.

Upon termination of this Interlocal Agreement, the parties hereto agree that the motor grader jointly owned by the parties shall be transferred to Union Township. In consideration thereof, Union Township shall pay to Butler County fifty-one percent (51%) of the fair market value of the motor grader. For purposes of this Interlocal Agreement, the fair market value for purposes of this buy-out shall be determined by a commercial dealer with experience in selling similar type equipment.

If Union Township does not wish to buy-out Butler County's interest in the motor grader at fair market value, Butler County shall have the option to buy-out Union Township's forty-nine percent (49%) interest for the same fair market price.

If neither party wishes to buy-out the other party's interest in the motor grader, the grader shall be sold as surplus property and the net proceeds paid to Union Township and Butler County in accord with their ownership interests.

Adopted this 4th day of November, 2019, at David City, Butler County, Nebraska.

Bauer moved and Whitmore seconded the motion to approve and adopt said resolution.

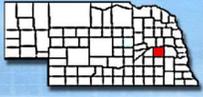
Resolution Number: 2019-43

ATTEST:

Butler County Board of Supervisors

/s/ Stephanie L. Laska  
County Clerk

/s/ David M. Mach  
Chairman



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## ***Discussion/Possible Action regarding terminating the interlocal agreement with Union Township.***

Moved by Krafka and seconded by Bauer to terminate the interlocal agreement with Union Township effective November 4, 2019. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Steager and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

## ***Discussion/Possible Action – Creation of Human Resource Position***

The board asked the current committee if there was any additional interest from the other elected officials to sit on the committee to get the human resources position going. Laska presented that she sent an email to all elected officials and did not receive a response. The board discussed the creation of the position. Mach said he contacted Pam Bourne about the department. Reiter went over the NIRMA job description she had. Laska presented job descriptions she received from Seward County. Moved by Birkel and seconded by Steager to create the Human Resources position. Upon roll call vote the following voted aye: Birkel, Steager and Whitmore. The following voted nay: Krafka, Bauer and Mach. Absent: Janak. The item was tabled until the next meeting when the full board could discuss it again.

## ***Discussion on Public Defender, appointment of policy board and discussion of possible interlocal agreement with Colfax County for a public defender***

County Attorney, Julie Reiter, presented to the board that the County's Public Defender has been appointed as a judge and the county needs to either start the process to appoint another and/or determine the need for a full or part-time public defender. She read the state statutes that the board needs to follow to appoint the public defender which includes appointing a policy board who will interview and give the board their opinion with whom to hire, the board must consist of 2 practicing lawyers and one lay person. Reiter noted that Bob Bierbower has sat on the policy board previously and would be happy to again. Louise Niemann said she was willing to sit on the board as the lay person and Dick Seckman agreed to be the second attorney. Moved by Whitmore and seconded by Steager to appoint Bob Bierbower, Louise Niemann and Dick Seckman as the Policy Board. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Krafka, Bauer and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Reiter also brought to the board's attention that Butler County's Public Defender Contract is part time as is Colfax County and the vacancy in both counties is by the same attorney. She said that the policy board will recommend whether they believe the position should continue to be part-time or full-time. If it continues to be a part-time position; and if Colfax remains a part-time and if the same attorney is recommended by both boards, they could potentially enter into an interlocal agreement with Colfax County for the Public Defender position.

## ***Discussion on Employment Discrimination Claim (Executive Session)***

Moved by Whitmore and seconded by Bauer to go into executive session at 11:53 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Birkel and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Moved by Birkel and seconded by Whitmore to come out of executive session at 11:59 a.m. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafka, Steager and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:15 p.m. The next meeting of the Board of Supervisors will be November 18, 2019 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

David W. Mach  
Chairman