



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

December 2, 2019

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 2nd day of December, 2019 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

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

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

Randy Isham, Highway Dept. Foreman, addressed the board with an update on the county roads since the last meeting. They have been working on the shoulders by Brainard, finishing ditch cleaning for a utility permit, installed a couple driveways per driveway requests. Still need to get to culverts on 42 Rd. The gravel pit is still open and stock piling. They are going to try to get to H Road by Bellwood, harvest has created some issues with the road. Supervisor Janak asked Isham to look at the bridge on W Road between Road 29 and 30; there is pothole that needs to be addressed.

- Discussion – Interlocal Agreement with Ulysses Township

Supervisor Whitmore presented a draft of the interlocal agreement for Ulysses Township. Township board members were present for the meeting and discussed their concerns. County Attorney, Julie Reiter, was consulted about the agreement. She said she needed to look it over completely. The discussion was tabled for a later date.

Consideration/Approval of Resolution 2019-45 – Butler County Extension Board Appointments 2020

Katie Pleskac, Extension Educator presented before the board the Butler County Extension Board Appointments for 2020. Recommending Amy Slama, Kirstin Bailey, Rachel Lokie and Laurie Schmid to the Extension Board. Moved by Whitmore and seconded by Steager to appoint the Extension Board members as presented. Upon roll call vote the following voted aye: Whitmore, Steager, Janak and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.



Butler County Board Minutes



Resolution 2019- 45

Whereas the University of Nebraska Extension is a valuable part of Butler County, and

Whereas the Extension Board is the organization appointed by the Butler County Board of Supervisors to oversee the Nebraska Extension programming in this county, and

Whereas public participation in this level of government is respected civil service, and

Whereas the Butler County Board of Supervisors desires to continue this tradition of local cooperation with Butler County Extension, and

Whereas Amy Slama-District 3; Kirstin Bailey-District 6; Rachel Lokie-District 7 and Laurie Schmid-4-H Council Representative have applied and been recommended to fill the open positions on the Extension Board, then

Be it resolved, the Butler County Board of Supervisors appoint Amy Slama, Kirstin Bailey, Rachel Lokie and Laurie Schmid to the Butler County Extension Board and extend the appointment of the citizens currently serving Butler County as shown in the attached list for the terms as shown, and

Be it resolved, the Butler County Board of Supervisors express their gratitude to retiring board members, Doug Kershner, Sandra Archuleta and Carol Albrecht for their service.

Given under my hand on this, the 2nd day of December, 2019, in David City Nebraska.

David W. Mach, Chairman
Butler County Board of Supervisors

Brian Brower, President of Bowstring Lake Association

- Discussion regarding a new driveway culvert that was promised 5 years ago

Brower presented before the board that he does not represent the owner of the lake; he represents the homeowner's association. He stated that approximately 5 years ago they were promised a new culvert into the driveway of the lake and it has never been installed. He mentioned that he has tried several times to contact the current Highway superintendent and the issue has never been addressed. Isham stated that he was unaware of the promise and said they would get out there as soon as they could, weather permitting as long as the frost hasn't set in.

- Discussion regarding drainage and drainage control

Brower asked the board for help regarding drainage regarding the lake and the possibility of installing a culvert with a gate. Isham said that they would first need to take elevation shots to see if there is anything that can be done. He said he would contact the County surveyor and they would go from there. The concern is that this doesn't create flooding downstream.

Discussion/Possible action – Closing on Christmas Eve and New Year's Eve



Butler County Board Minutes



Moved by Steager and seconded by Whitmore to close the Courthouse at noon on Christmas Eve and 4p.m. on New Year's Eve. Upon roll call vote the following voted aye: Steager, Whitmore, Janak and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

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

Supervisor Steager reported that he'd spoken with Jon McCarville from Leo A. Daly and requested information; however, he has not received anything.

Notification from the Nebraska Dept of Environment and Energy (NDEE) – Tuls Properties, LLC - Summit Calf Ranch Concentrated Animal Feeding Operation NPDES General Permit for Operations Confining Cattle

Notification was received from the State of Nebraska, Department of Environment and Energy of a NPDES General Permit for Operations Confining Cattle to Tuls Properties LLC – Summit Calf Ranch Concentrated Animal Feeding Operation located in the NW ¼, Section 5, Township 14 North, Range 1 East, Butler County, Nebraska

Notification from the Nebraska Dept of Environment and Energy (NDEE) – C & R Poultry Farms, LLC Animal Feeding Operation Construction Permit Issued

Notification was received from the State of Nebraska, Department of Environment and Energy of a Construction and Operating Permit Issued to C & R Poultry Farms LLC Animal Feeding Operation located in the NE ¼, SW ¼, and NW ¼, SE ¼, Section 5, Township 14 North, Range 3 East, Butler County, Nebraska

Consideration/Approval of Resolution 2019 – 46 Year-end Certification of County Highway Superintendent Form 2019

A resolution to authorize the chairman to sign the Year-end Certification of County Highway Superintendent form 2019. Moved by Janak and seconded by Steager to approve the resolution as presented. Upon roll call voted the following voted aye: Janak, Steager, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.



Butler County Board Minutes



RESOLUTION

SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT FORM 2019

Resolution No. 2019 - 46

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 details the requirements that must be met in order for a county to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment of the County Highway Superintendent to the NDOT using the Year-End Certification of County Highway Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of BUTLER County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form.
(Print Name of County)

Adopted this 2nd day of December, 2019 at David City, Nebraska.
(Month)

County Board Members

<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____

County Board Member Janak
Moved the adoption of said resolution
Member Steager Seconded the Motion
Roll Call: 4 Yes 0 No 0 Abstained 3 Absent
Resolution adopted, signed and billed as adopted.

Attest:

[Signature]
(Signature of Clerk)

Request for Funds/Butler County Visitor's Committee Promotion Fund Request – Light it Up Committee

The Light It Up Committee a sub committee of the Butler County Chamber of Commerce requested from the promotion fund \$1,000 to help cover the expense from the Hallmark Channel Event. After discussion, the board agreed they would



Butler County Board Minutes



authorize funds; however, the funds should go toward the lighting expenses. Moved by Steager and seconded by Janak to approve the Visitor's Committee Promotion Fund Request for the Light it Up Committee for \$1,000 with the requirement the funds be used to pay for the lighting. Upon roll call vote the following voted aye: Steager, Janak, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

Request for Funds/Butler County Visitor's Committee Promotion Fund Request – Butler County Chamber of Commerce
The Butler County Chamber of Commerce requested from the promotion fund to help cover advertising expenses for the Fun Pianos Show in the amount of \$265. Moved by Janak and seconded by Steager to approve the request as presented. Upon roll call vote the following voted aye: Janak, Steager, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

Designation of Official County Newspaper for 2020

Moved by Steager and seconded by Janak to designate The Banner Press as the official Butler County Newspaper for 2020. Upon roll call voted the following voted aye: Steager, Janak, Whitmore and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

Designation of Official County Website for 2020

Moved by Janak and seconded by Whitmore to designate the Butler County website as an official means of publication for 2020. Upon roll call voted the following voted aye: Janak, Whitmore, Steager and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

Butler County website address: www.co.butler.ne.us

Discussion/Possible Action regarding settlement of pending foreclosure cases and quiet title action involving Lot Two, Block Twelve, Miles Fifth Addition to City of David City, Butler County, Nebraska, commonly known as 210 S 8th Street, David City, Nebraska (Executive)

An executive session was not entered into regarding this subject, it was determined this topic is of public record and an executive session was not needed. County Attorney, Julie Reiter, discussed with the board the history of the property and regarding special tax assessments and the foreclosure proceedings. She is requesting that the board authorize her to settle the quiet title action on their behalf. She is seeking the court costs that were incurred. Supervisor Steager said that if this is going to expedite getting the property back on the tax roll he is all for this. Moved by Steager and seconded by Whitmore to allow the county attorney to settle the quiet title action. Upon roll call vote the following voted aye: Steager, Whitmore, Janak and Mach. The following voted nay: NONE. Absent: Bauer, Birkel and Krafka.

Correspondence

1. Thank you from Light it Up Committee

There being no further business to come before the board, the Chairman adjourned the meeting at 12:00 p.m. The next meeting of the Board of Supervisors will be December 16, 2019 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach
Chairman