



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

January 6, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6th day of January 2020 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

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

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.

Stephanie L. Laska, County Clerk, called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

The County Clerk called for nominations for a Temporary Chairman.

Supervisor Krafska nominated David Mach; seconded by Supervisor Bauer. Moved by Supervisor Janak and seconded by Supervisor Birkel to cease nominations.

David Mach was declared the Temporary Chairman.

Election of Chairman for 2020

Supervisor Krafska nominated David Mach as Chairman. Moved by Janak and seconded by Birkel to cease nominations.

David Mach was declared the Permanent Chairman for the Board of Supervisors for 2020.

Election of Vice-Chairman for 2020

Janak nominated Max Birkel for Vice-Chairman. Krafska nominated Greg Janak for Vice-Chairman. Chairman Mach called for further nominations three times, no further nominations were received, he declared a secret ballot would be used for election of Vice-Chairman.

After secret ballot was taken, the votes were tallied, and Greg Janak was declared the Vice-Chairman of the board of Supervisors for 2020. Moved by Steager and seconded by Krafska to destroy the ballots. Upon roll call vote the following voted aye: Steager, Krafska, Bauer, Whitmore, Birkel, Janak and Mach. The following voted nay: NONE. Motion carried.

The Chairman declared the minutes from the previous meeting shall stand approved as presented.

Resolution 2020-01/County Depositories

Resolution 2020-01 was presented for the board's consideration. Moved by Whitmore and seconded by Bauer to approve and adopt Resolution 2020-01. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafska, Steager, Janak, Birkel and Mach. The following voted nay: NONE. Motion carried.

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/s/David W. Mach

Chairman, Board of Supervisors

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Resolution 2020-3/Irrevocable Letter of Credit

Resolution 2020-03 was presented for the board's consideration. Moved by Birkel and seconded by Janak to approve and adopt Resolution 2020-03. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore and Mach. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2020 – 03**

WHEREAS, at various times throughout the year, the Butler County Treasurer may receive monies and deposit same at Bank of the Valley, which sum may exceed the amounts allowed by Nebraska law, and

WHEREAS, in order to comply with Nebraska law and thereby secure deposits over and above the current FDIC insured amount, Federal Home Loan Bank of Topeka has established an Irrevocable Letter of Credit No. 59512, dated December 20, 2019, in the amount of \$3,000,000.00, for the account of Bank of the Valley, Bellwood, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the above-mentioned Irrevocable Letter of Credit in the amount of \$3,000,000.00, as security for deposits in said financial institution be approved.

DATED this 6th day of January, 2020.

/s/David W. Mach

Chairman, Board of Supervisors

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Clerk of the District Court Monthly Fee

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

County Clerk Monthly Fee Report

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

Expenditures Report for July 1, 2019 through December 31, 2019

The expenditures report for July 1, 2019 through December 31, 2019 was presented before the board. The report was accepted and placed on file.

Road Department

- **Discussion/Possible Action – Unpaid portion on Constructors Inc. Claim**

It was explained by the Constructors' Rep that the contract was bid at unit price and that the unit price did not change, however, the quantity bid changed. It was stated that at no time was Constructors informed to reduce thickness of the overlay to stay on track with the bid, therefore, they completed the project to the specs provided by the engineer; thus, resulting in the overage. Moved by Steager and seconded by Krafka to approve the remaining claim in the amount of \$88,500.87. Upon roll call vote the following voted aye: Steager, Krafka, Whitmore, Birkel and Mach. The following voted nay: Bauer and Janak. Motion carried.

- **Approval of Utility Permit – Butler Public Power, east edge of Dwight for overhead powerline**



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

- ***Approval of Utility Permit – Justin Krafka, Alexis Township, County Road G***

The board discussed postponing this item until they discuss agenda item regarding Bowstring Association later in the meeting.

- ***Discussion/Possible Action regarding purchase of a motor grader***

Highway Superintendent, Jim McDonald, presented before the board that he has the room in the budget to replace a motor grader. John Deere has the state bid for \$254,853. The machine being traded has a trade allowance of \$40,000. The cost to the county will be \$214,853. Moved by Krafka and seconded by Birkel to accept the state bid offer for \$254,853. Upon roll call vote the following voted aye: Krafka, Bauer, Birkel, Janak, Steager and Mach. The following voted nay: Whitmore. Motion carried.

- ***Approval of Gravel Pit lease for years 2019 and 2020***

Presented before the board were the leases for the gravel pit for year 2019-2020 and 2020-2021. Moved by Krafka and seconded by Janak to accept and approve the leases for 2019-2020 and 2020-2021. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Whitmore, Bauer and Mach. The following voted nay: NONE. Motion carried.

- ***Update on Roads***

McDonald explained to the board that the 1 & 6 year Road plan will be more budget driven. He said if the board reviews the 6-year road plan and wants him to focus more on something during the 1 year plan he will try; however, he feels the 1-year plan should be budget driven. He told the board that the Highway Department has been working to move out to the Highway 92 building, he has requested the Board direct him to the areas that are to be used by the highway department and which are not.

Brian Brower, Bowstring Association – Discussion on Drainage Issue

Mr. Brower addressed the board and updated them on what has been done since the last time he was present at the meeting. He asked how he should proceed. The board discussed that they didn't see a problem with his proposal to put in a culvert and a valve system for release of the water, however, they wanted him to contact landowners in the area; also, they directed him to get a utility permit from the Roads department and have it addressed at the next meeting.

Moved by Steager and seconded by Whitmore to move into the Board of Equalization at 11:05 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)

Ulysses Township - Discussion Possible Action – Amending Building Interlocal Agreement

The board and Ulysses Township Board Members present agreed they had addressed this topic at the last meeting.

Ulysses Township - Discussion Possible Action – Interlocal Agreement Hourly

Board members present had questions regarding the contract that was presented to them. After discussion and changes, Julie Rieter, County Attorney, went and updated the hourly contract. Upon reviewing the changes, Whitmore moved and Steager seconded to approve the new Hourly Contract between Butler County and Ulysses Township effective January 1, 2020. Upon roll call vote the following voted aye: Whitmore, Birkel, Janak, Steager, Krafka, and Bauer. The following voted nay: Mach. Motion carried.

Roads Dept, Utility Permit – Justin Krafka, Alexis Township, County Road G continued

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



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County Treasurer/6 Month Report

The County Treasurer's Statement for the period July 1, 2019 through December 31, 2019 was presented for the board's review. The statement was accepted and placed on file.

Authorize Chairman to sign Audit Engagement Letter/Nebraska Auditor of Public Accounts

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

Approve & Authorize Chairman to sign the Butler County Noxious Weed Superintendent Annual State Reports

Max Birkel, Weed Superintendent, presented to the board the Annual State Reports for the Noxious Weed Department. Moved by Bauer and seconded by Whitmore to approve and authorize the chairman to sign the reports. Upon roll call vote the following voted aye: Bauer, Whitmore, Janak, Steager, Krafka and Mach. The following voted nay: NONE. Abstained: Birkel. Motion carried.

Quarterly Jail Inspection

The County Board conducted the quarterly jail inspection from 12:00 p.m. until 12:15 p.m.

Notification from the Nebraska Department of Environment & Energy (NDEE) – S&S Broilers, LLC Animal Feeding Operation – Notice of Application Received for a Construction & Operating Permit

Notification was received from the State of Nebraska, Department of Environment & Energy of a Notice of Application Received for a Construction & Operating Permit Issued to S&S Broilers, LLC Animal Feeding Operation located in the N ½, SE ¼, Section 32, Township 15N, Range 2E, Butler County, Nebraska.

Set Public Hearing for January 21, 2020 to keep the County Surveyor as an elected position

Moved by Whitmore and seconded by Krafka to set the Public Hearing for January 21, 2020 at 9:30 a.m. to discuss keeping the County Surveyor as an elected position. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Janak, Birkel and Mach. The following voted nay: NONE. Motion carried.

Discussion/Possible Action – Floodplain Administrator – set hiring committee for 3 applicants

Laska informed the Board that there were 3 applicants for the position; at which point Supervisor Janak stated one was his and he was withdrawing his application. The committee to interview the other 2 candidates is Supervisors Krafka and Janak.

Discussion/Possible Action – Recommendation Letter from the Policy Board regarding the Public Defender Position

The Policy Board recommended that the Board interview the two applicants for the position before they bid for the position. At the recommendation of the county attorney, the committee comprised of Steager and Bauer will ask the Policy Board to sit in on the interviews.

Correspondence (Executive Session)

Moved by Bauer and seconded by Whitmore to go into executive session at 12:50 p.m. Upon roll call vote the following voted aye: Bauer, Whitmore, Bauer, Janak, Steager, Krafka and Mach. The following voted nay: NONE. Motion carried.

Moved by Steager and seconded by Krafka to come out of executive session at 12:56 p.m. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Birkel, Janak and Mach. The following voted nay: NONE. Motion carried.

Discussion/Approval of Human Resources Director Job Description

Moved by Krafka and seconded by Whitmore to approve the Human Resources job description. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Janak, Steager and Mach. The following voted nay: NONE. Motion carried.



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Discussion/Possible Action Suggestions for the Human Resources Office

Presented to the Board were recommendations for the Highway 92 building updates for the location of the Human Resources office. It was discussed that the Building Committee needs to go out to the building and start seeking informal bids for the renovations that have been suggested. The building committee will also give direction to the Highway department as to what parts of the building they are to utilize.

There being no further business to come before the board, the Chairman adjourned the meeting at 1:43 p.m. The next meeting of the Board of Supervisors will be January 21, 2020 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach
Chairman