



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

April 6, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6<sup>th</sup> day of April, 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, Max Birkel, Greg Janak and Scott Steager. Absent: 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 meeting shall stand approved as presented.

### ***Vickie Donoghue, County Assessor – Discussion/Possible Action – requesting approval to have obliques for the county completed***

Donoghue appeared before the board to discuss having aerial obliques taken of the entire county. The project can be paid over 2 years and there is a \$5,300 credit that will be applied. The total project is \$38,000 minus the \$5,300 credit would equal \$28,700. \$14,350 would be paid in the 2020-21 budget year and \$14,350 would be paid in the 2021-22 budget year. Moved by Janak and seconded by Krafska to grant the assessor's office the funds to do aerial obliques to be payable over 2 years. Upon roll call vote the following voted aye: Janak, Bauer, Krafska, Steager, Birkel and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

### ***Approval of Utility Permit – Windstream utility permit between Road R & Road 36***

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

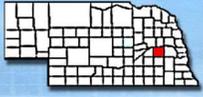
### ***Approval of Utility Permit – Black Hills Energy – Road 26 & Road M***

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

### ***Discussion/Possible Action on Bowstring Agreement & Utility Permit***

The road and bridge committee met with Jim McDonald prior to the meeting and he updated them regarding the Bowstring Agreement. He said that they had the survey done, they had a letter and told the committee that Julie would have the agreement. The board asked Julie if she had the agreement ready and she said she didn't know anything about it and had never seen the letter. She also asked if the survey had been sent to NIRMA. The board said they would follow up before the next meeting.

### ***Bid Opening for Linwood Bridge over Skull Creek***



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Chairman Mach opened the one sealed bid that was received for the Linwood Bridge over Skull Creek. Norfolk Contracting submitted a bid for \$304,812. They want the contract reviewed by McDonald before they decide, and they will discuss at the next meeting.

## ***Set date for public comment and approval of 1- & 6-year plan***

Moved by Steager and seconded by Birkel to set the date and time for public comment and approval of the 1- & 6-year Road Plan for May 4<sup>th</sup> at 9:30 a.m. Upon roll call vote the following voted aye: Steager, Birkel, Janak, Bauer, Krafka and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

## ***Discussion/Possible Action on Bowstring Agreement & Utility Permit continued***

Brian Brower from Bowstring Lake Association was able to call in; he was upset that the topic is yet again being pushed back. It was reiterated that someone from the board and the road and bridge committee would follow up with the process and make sure that everything is in order for the next meeting.

## ***Approval of Utility Permit – Ronald Hruska – North of Road 25 on J Road***

There was not a permit for this location.

## ***Approval of Utility Permit – Klement Electric – south of Road 27 on J Road***

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

## ***Update on Roads***

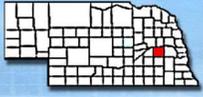
During the road and bridge committee meeting earlier in the morning, McDonald updated the committee members that the roads department was working on the Road north of the Hwy 92 building. Making that road passable will enable the roads department to move equipment via gravel roads instead of traveling East on Hwy 92 until the next county road, this will make it safer for the employees and the public. On the landfill road the Railroad fixed the tracks and the county worked on that mile. The Ulysses bridge construction is moving along smoothly. The company that is working on the Ulysses bridge is also going to look at the B Road bridge, they are currently unable to travel out of state for jobs due to the Coronavirus Pandemic and have openings. The county has all of the materials for the project.

## ***Andy Yost, Detention Center Administrator – Discussion/Possible Action – Medical & Mental Health Contract needs and bid process for said contract***

Yost appeared before the board to express the need for a new contract for Medical & Mental health; the current contract with the Butler County Clinic expired June 30, 2019 and they have continued service without a contract. He has received a quote from a company that is interested, and the quote is double what the county is currently paying. Yost explained that the contract would provide 8 hours per week of medical and 8 hours per month of mental health. He told the board he knows he will have to send this out for bids, but what does the board want him to bid? Medical only, Medical and mental health, or medical with a mental health option. Moved by Steager, seconded by Krafka for Yost to bid medical and mental health contract with a mental health option, sealed bids will be opened on May 4, 2020 at 10 a.m. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

## ***Joey Ossian, Veteran's Service Officer – Discussion/Possible Action – requesting the County to fund the meal for County Government Day***

Ossian appeared before the board to request that the County pay for the meal that is provided to area students during County Government Day. He explained that the National Guard used to budget for this, however, the funds have ended. The Legion was able to provide the meal for the students this year for approximately \$300. The Legion believes they can continue to provide the meal for \$300-400; however, they do not have the funds to pay for the meal. They feel this is a very important program to continue and would like to ask the county to pay for the meal. The board directed Ossian to add this as a line item to his budget and the budget committee will take it into consideration when they are working on the budget.



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## **Discussion**

The board was addressed virtually by Don Naiberk from the Butler County Hospital. He wanted to make the board aware that the Hospital will be applying for a Small Business Loan under the payroll protection plan to help cover payroll during the Coronavirus pandemic. He said that cashflow is fine at the hospital; however, if and when the virus comes to Butler County, they want to be prepared for the extra expenses that the hospital will incur. The loan is a 1% interest rate, when in year 1 they pay interest only and year 2 they pay interest and principal. Julie stated to the board that they will not have to take action because this loan will be unsecured and in statute 23-3504, the hospital can borrow money on an unsecured basis and the Hospital Board of Trustees has the authority to do so.

At 10:46 a.m. the chairman declared the board would take a quick 5-minute break.

At 10:52 a.m. the board reconvened.

## **Public Defender Committee – Discussion/Possible Action – review and acceptance of Public Defender Contract**

Steager addressed the board that he and Bauer conducted the interviews for Public Defender with the aid of Tom Klein. They said Tom pretty much led the interviews for them, which was good since he's an attorney and knew what to ask. The committee interviewed 3 candidates and asked two of the candidates to prepare proposal contracts for the committee's review. Both candidates are highly qualified, and they could honestly go either way. Both candidates were present via zoom. Moved by Steager and seconded by Bauer to accept the proposed contract for Jennifer Joakim for \$60,000 per year for 4 years. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Janak, Bauer and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

Before moving on to the next topic, Steager requested to amend his motion to add start date and contract end date. Moved by Steager and seconded by Bauer to amend his previous motion to include the contract effective date as April 6, 2020 and to extend the 4 year contract through fiscal year end June 30, 2024. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

## **Human Resources Committee – Discussion/Possible Action – Recommendation for Human Resource Director**

Birkel spoke on behalf of the HR Committee and said that they chose 5 candidates to interview of twelve applicants. They completed three interviews. One candidate who was contacted never responded, another candidate no call/no showed their interview. After the interviews the committee met and discussed the candidates. The committee is recommending for hire, Heidi Loges. They are recommending her a salary of \$50,000. Loges was present at the meeting; the board asked her when could start. She said that if the board votes and approves her as the candidate to hire, she will give her notice today and she could start in two weeks on April 20, 2020. Upon further discussion Laska shared an email received from Whitmore who could not attend the meeting today that as a committee member he is in favor of the recommendation. Moved by Birkel and seconded by Janak to hire Heidi Loges to fill the Human Resources position at a salary of \$50,000 to start on April 20, 2020. Upon roll call vote the following voted aye: Birkel, Janak, Bauer, Krafka, Steager and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

## **County Clerk Monthly Fee Report**

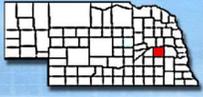
The County Clerk fee report for the month of March 2020 was accepted and placed on file.

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

The Clerk of the District Court fee report for the month of March 2020 was accepted and placed on file.

## **Discussion**

Janak asked Laska how the drop boxes were working for the departments. She responded that she believed they were working well for the departments. Reiter commented that she noticed that a lot of people are still coming to the East Courthouse door.



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## ***3rd Quarter Expenditures Report***

The expenditures report for July 1, 2019 through March 31, 2020 was presented before the board. The report was accepted and placed on file.

## ***Quarterly Jail Inspection***

A virtual tour of the jail facilities was provided by Detention Center Administrator Andy Yost.

## ***Discussion/Possible Action on the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act***

County Attorney, Julie Reiter summarized the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act for the board. She instructed that these acts are to be followed by Butler County as an employer. She noted that first responders are not covered in these acts. She recommended that the handbook committee meet. The Handbook committee said they will meet about this as soon as possible, they will look at the Infectious Disease Outbreak Policy and the possibility of proposing an amendment. Reiter also mentioned that these Acts are enforceable from April 1, 2020 through December 31, 2020. Laska was instructed to email the elected officials so that they can be present for that meeting. Sheriff Dion mentioned to the board that he has reached out to surrounding counties to see what they are doing for law enforcement. He said that Saunders county is actually paying their deputies hazard pay.

## ***Approval for Applied Connective to provide phone and internet system and service package to extend the County's network and phone system to the new Roads Building, Weed Building and Senior Center***

Reiter spoke with the board and said that she requested this be put on the agenda. Upon some research, it was her opinion that the package that Applied Connective is providing is very specific and that the service being provided is unique in nature. The proposals were reviewed by the board. Moved by Steager and seconded by Bauer to accept Quotes 839, 860, 861, 992 in amount of \$28,496.71 to be paid out of Inheritance Tax to upgrade the phone system and connect all satellite locations. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

## ***Approval of Official Bond and Oath/Jerry Bongers, Center Township***

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

## ***Approval of Official Bond and Oath/Douglas J. Vrbka, Center Township***

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

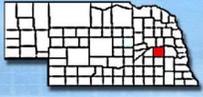
## ***Approval of Official Bond and Oath/Roger J. Svoboda, Franklin Township***

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

## ***Approval of Official Bond and Oath/Ronald D. Meusch, Savannah Township***

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

## ***Discussion/Action regarding future meetings and how Butler County is going to proceed***



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Laska informed the board she put this item on the agenda, so the board can start thinking about how future meetings as restrictions get tighter and tighter during the COVID-19 pandemic. Janak and Birkel said they could both zoom into the meeting. Reiter suggested they all put the zoom app on their phones so that they could all zoom in if necessary. Laska also presented a resolution that Sarpy County enacted in the event of an emergency closure during this time, it gives the Chairman and the Clerk the authority to continue to pay the claims, process payroll, etc. The board requested that she have a similar Resolution prepared for the next meeting. The board discussed the county zoom account that Laska set up. She informed them that currently we are very limited to what we can do with a basic account; if the County upgraded we would have additional access. Laska informed that it requires a credit card payment to upgrade and the County does not have a credit card. No action was taken at this time.

## **Correspondence**

1. Nebraska Commission on Law Enforcement and Criminal Justice – Jail Standards Board
2. Blue Valley Community Action, Inc. - Audit

Chairman Mach addressed the meeting attendees that had joined via zoom. He informed the public that the board will be going into executive session and the public cannot be present. He stated that upon exiting the executive session the board meeting would adjourn; he thanked them all for coming today.

## **General Assistance Claim – Notice from Lancaster County of Removal and Payment (possible executive session)**

Moved by Steager and seconded by Janak to moved into executive session and invite Stephanie Laska, County Clerk to discuss the notice from Lancaster County of Removal and Payment at 12:48 p.m. Upon roll call vote the following voted aye: Steager, Birkel, Janak, Bauer, Krafka and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

Moved by Krafka and seconded by Birkel to come out of executive session at 12:58 p.m. Upon roll call voted the following voted aye: Krafka, Steager, Birkel, Janak, Bauer and Mach. The following voted nay: NONE. Absent: Whitmore. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 1:00 p.m. The next scheduled meeting of the Board of Supervisors will be April 20, 2020 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

David W. Mach  
Chairman