



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

June 1, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 1st day of June, 2020 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 Greg Janak.
Absent: 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.

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.

Notification from the Nebraska Department of Environment & Energy (NDEE) – 6M, LLC Concentrated Animal Feeding Operation – Notice of Application Received

Notification was received from the State of Nebraska, Department of Environment & Energy of a Notice of Application Received for 6M, LLC Concentrated Animal Feeding Operation located in the NE $\frac{1}{4}$, Section 02, Township 15N, Range 01E, Butler County, NE.

Notification from the Nebraska Department of Environment & Energy (NDEE) – Wolfpack Farm, LLC Concentrated Animal Feeding Operation – Notice of Application Received

Notification was received from the State of Nebraska, Department of Environment & Energy of a Notice of Application Received for Wolfpack Farm, LLC Concentrated Animal Feeding Operation located in the S $\frac{1}{2}$, SE $\frac{1}{4}$, Section 08, Township 15N, Range 01E, Butler County, NE.

Moved by Whitmore and seconded by Janak to move into the Board of Equalization at 9:05 a.m. Upon roll call vote the following voted aye: Whitmore, Janak, Krafka, Bauer, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

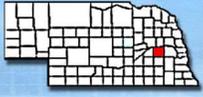
BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Annual Report and Funding Request for Blue Valley Behavioral Health (an error on the agenda said Blue Valley Community Action)

John Day, Executive Director of Blue Valley Behavioral Health, presented before the board the annual report and the 2020-21 funding request. He reported that in the first three quarters 61 adults and children have received services in Butler County. They do anticipate a reduced number of services due to COVID-19; however, their numbers are stronger than last year at this time. Blue Valley Behavioral Health is requesting continued support in the amount of \$5,720.

Discussion/Possible Action – Lease Purchase of John Deere Excavator

Highway Superintendent, Jim McDonald, presented before the board that they have been test driving a new excavator. He said in the last 4 weeks they have put 51 hours on the machine; he also noted they have been running the other



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small excavator during the same time as well. He reported that the purchase price of the new machine would be \$187,812 with the trade-in included. They could fix the excavator they are trading but it will cost at minimum \$10,000 and that just covers what is wrong underneath the machine; it doesn't account for any leaks or other problems that they find. It was questioned several times if McDonald has the manpower to run two excavators all summer long. McDonald said that for the last 4 weeks he has kept both machines busy and last summer both machines the county owns were busy all summer long. It was discussed that the excavator could be rented/leased for \$6,900 per month and at the end of the rental agreement those payments would apply to the purchase price. Janak mentioned that he believes regardless of the boards decision to lease or purchase that the county owes Murphy Tractor for the use of the machine currently. A typical test drive is way less than the 51 hours the county has currently used. Murphy Tractor Sales Manager, Zachary Happel, was present and said that a typical test drive is 10 hours and a monthly rental is approximately 40 hours. The board is tabling the conversation until the June 15th meeting and has told McDonald to continue renting the machine until then.

Set Date & Time to open and approve Gravel and Culvert Bids

Moved by Whitmore and seconded by Janak to set the bid opening for gravel and culvert bids for the 2020-21 fiscal year will be set for June 15, 2020 at 9:15 a.m. Upon roll call vote the following voted aye: Whitmore, Janak, Krafka, Bauer, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Roads Update

McDonald updated the board regarding the bridges and culverts on County Road A; he stated that what has been found is an interlocal agreement that dates back to 1912 stating the road that each county will take care of along the county line. It was determined that the culverts will be replaced by Polk County and that the bridges will be replaced by Butler County; however, there is a 50% cost share for both projects, so Polk will bill Butler for the culvert project and Butler will bill Polk for the Bridge. It was suggested that an updated interlocal agreement between the two counties be addressed and continued communication between highway departments, so the projects can be budgeted.

Whitmore asked McDonald about getting gravel on the Loma Road from Dwight all the way to Highway 92, he's had several complaints that people are having to put their vehicles in four-wheel drive to travel it after a rain, he also noted that he should get it done soon.

At 10:15 a.m. the chairman declared the board would take a quick break.

At 10:20 a.m. the board reconvened.

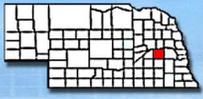
Executive Session – Personnel Issue/Butler County Highway Department

Moved by Bauer and seconded by Janak to move into Executive Session at 10:20 a.m. to discuss personnel issues at the Butler County Highway Department, including the following people: Highway Superintendent, Jim McDonald; Human Resources Director, Hiedi Loges; and County Attorney, Julie Reiter. Upon roll call vote the following voted aye: Bauer, Whitmore, Janak, Krafka, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Moved by Whitmore and seconded by Krafka to come out of Executive session at 11:50 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Request for a Special Designated Liquor License during Butler County Fair

Donnie Steager, Butler County Ag Society, appeared before the board to request a Special Designated Liquor license for the Butler County Fair. He informed the board that the Ag Society is moving full speed ahead and planning to have the Butler County Fair until they are told they cannot. He elaborated saying that they are waiting for guidance on the size of gatherings and whether they can have a beer garden and the events they have planned. The guidance for June came out around May 21st so they anticipate similar information being released later this June for July. Moved by Janak and seconded by Bauer to approve the Special Designated Liquor license as presented by Donnie Steager. Upon roll call vote



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the following voted aye: Janak, Whitmore, Bauer, Krafka, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Discussion

Donnie Steager updated the Board on the Ag Society's plans for the Grand Stand. They had been working to replace the roof; however, they are finding that if they replace the roof, insurance will be hard to find to cover the building. They are looking at rebuilding the entire structure while attempting to maintain the character of the current grandstand. He said they are finding that it will be cheaper to replace the entire structure in the long run. A final decision hasn't been made regarding the structure, but he wanted to update the board on the progress.

Zuercher Update

911 Coordinator, Cherie Meysenburg appeared before the board to give an update on the Zuercher software and the status of the program. To date they have not gone live with the program because it is not in compliance with Nebraska Jail Standards. Currently Scottsbluff County is using the Zuercher program and they are non-compliant with Nebraska Jail Standards. Zuercher has moved the go-live date until December 2020; as a result, the entities in the interlocal agreement have collectively decided to withhold final payment until they are up and running and they are sure they will be compliant with Nebraska Jail Standards. The board thanked her for her update.

Discussion/Possible Action – Purchase of Tasers

Detention Center Administrator, Andrew Yost, appeared before the board to discuss and get approval for the purchase of tasers for the Detention Center. Currently of the 10 tasers the county has 5 are operational of which 2 are above 30% battery life, the rest are below. The request is for 15 tasers; the total cost would be \$37,620. He has the money in his budget; however, due to the price he needs board approval. He informed the board that Taser is the only company that makes this equipment, therefore, it is unique and informal bids were not necessary. He also informed the board that the deputies on duty would have access to the tasers; they would simply need to check them out. Moved by Whitmore and seconded by Janak to approve the purchase of 15 tasers for \$37,620. Upon roll call vote the following voted aye: Whitmore, Janak, Krafka, Bauer, Birkel and Mach. The following voted nay: NONE. Absent Steager. Motion carried.

Consideration of becoming a member of the Southeast Nebraska Development District (SENDD)

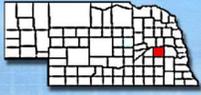
David City City Administrator, Clayton Keller appeared before the board to request that Butler County join the Southeast Nebraska Development District (SENDD) for fiscal year 2020-21. If the county joins then David City will be able to join and they will be able to work to develop David City. The investment for the county would be \$7,796. Moved by Birkel and seconded by Whitmore to join SENDD for fiscal year 2020-21. Upon roll call vote the following voted aye: Birkel and Whitmore. The following voted nay: Janak, Krafka, Bauer and Mach. Absent: Steager. Motion failed.

Consideration of an intergovernmental agreement with the Hruska Memorial Public Library to provide library cards for all residents of Butler County that do not live in the city limits of David City

Keller again appeared before the board to request funds to provide all residents of Butler County that do not live in the city limits of David City a library card. The investment of \$5,000 would cover the revenue of current memberships and allow funding for the materials and supplies needed to fund additional memberships. Moved by Janak to provide library cards for all residents of Butler County that do not live in the city limits of David City. Chairman Mach called for a second, no second was made, motion failed.

Consideration of appointing committee members to discuss and provide recommendations for agreement between Butler County and the City of David City for law enforcement services

Keller appeared before the board asking that a committee of board members be set to meet with City representatives to discuss the law enforcement contract that is set to end October 2020. Moved by Krafka and seconded by Janak to appoint Anthony Whitmore, Scott Steager and Greg Janak to the Law Enforcement Committee. Upon roll call vote the following voted aye: Krafka, Janak, Whitmore, Bauer, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.



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Approval of the Local Emergency Operations Plan (LEOP)

Emergency Manager, Mark Doehling, appeared before the board to present the updated Local Emergency Operations Plan. He noted that it will go before the state to make sure there are not any errors or omissions in the plan and then he will distribute the electronic copies to all departments. Resolution 2020-15 was presented to approve the Local Emergency Operation Plan. Moved by Janak and seconded by Bauer to approve Resolution 2020-15 and LEOP as presented. Upon roll call voted the following voted aye: Janak, Whitmore, Bauer, Krafka, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

BUTLER COUNTY LEOP

RESOLUTION

WHEREAS, the Board of Supervisors of BUTLER County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of BUTLER County, Nebraska; and

WHEREAS, it has been determined that a BUTLER County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in BUTLER County, the City of David City and other cities and villages in BUTLER County; and

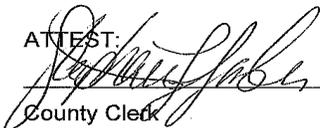
WHEREAS, the Board of Supervisors of BUTLER County, deems it advisable and in the best interest of BUTLER County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this 2020 Local Emergency Operations Plan supersedes all previous approved BUTLER County Local Emergency Operations Plans;

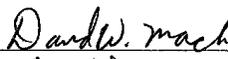
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of BUTLER County, Nebraska, that the BUTLER County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 1st DAY OF June, 2020.

ATTEST:

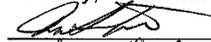


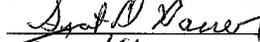
County Clerk





Board of County Supervisors,
BUTLER County, Nebraska







Max Birkel (yes via zoom)

Scott Steager (Absent)

Discussion/Appointment of Budget Making Authority & Approval of Resolution 2020 – 13 Budget Making Authority
Resolution 2020-13 was presented for the board’s consideration. Moved by Krafka and seconded by Whitmore to approve the resolution as presented. Upon roll call voted the following voted aye: Krafka, Bauer, Whitmore, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

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BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2020 – 13

WHEREAS, Section 23-906, Revised Statutes, State of Nebraska, states in part, that in each county the finance committee of the County Board shall constitute the budget-making authority unless the board, in its discretion, designates or appoints one of its own members or the county clerk, county comptroller, county manager, or other qualified person as the budget making authority, and

WHEREAS, this budget preparer may receive an amount in addition to their salary for this service, and

WHEREAS, the Butler County Board of Supervisors desires to appoint Stephanie L. Laska, as the Budget Making Authority for Butler County, Nebraska and to authorize payment in the amount of \$2,000.00, to be paid upon completion of the budget document.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors, that Stephanie L. Laska is appointed the Budget Making Authority, to prepare and present the budget for the fiscal year 2020-2021 to the County Board.

BE IT FURTHER RESOLVED, that said Stephanie L. Laska be granted full authority to comply with Section 23-904 and 23-905 of the Revised Statutes of the State of Nebraska.

Dated this 1st day of June, 2020.

/s/David W. Mach

David W. Mach, Chairman

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Discussion on budget increase for fiscal year 2020-2021

This discussion was tabled until the June 15, 2020 meeting.

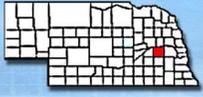
Discussion/Possible Action – Requesting to Build a building on the soccer fields to the east of the Witter Family Medicine building

Don Naiberk, Butler County Health Care Center CEO, appeared before the board to request permission to build a building on the soccer fields to the east of Witter Family Medicine. The building will house an Audiology Clinic and temporary space for Medical Records offices during remodeling. The hospital intends to pay for the building using Hospital Reserves, therefore, financing is not a factor. County Attorney, Julie Reiter, mentioned she thought a lease would need to be drawn up for the use of the county property. The board requested she look into it and the discussion was tabled until the June 15, 2020 meeting.

Approval of Resolution 2020 – 14/Transfer of Funds-911 Emergency Management to Communication Equipment Sinking Fund

Resolution 2020-14 was presented for the board's consideration. Moved by Bauer and seconded by Krafka to approve Resolution 2020-14 as presented. Upon roll call voted the following voted aye: Bauer, Krafka, Janak, Whitmore, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2020 – 14



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WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of communication equipment that requires specific funding, and

WHEREAS, the 911 Emergency Management department will be required to set aside and maintain funds for the future purchase of communication equipment, and

WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the 911 Emergency Management Fund to the Communication Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$30,000.00 from the 911 Emergency Management Fund to the Communication Equipment Sinking Fund.

Dated this 1st day of June, 2020.

/s/David W. Mach

David W. Mach, Chairman ATTEST:

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Discussion/Possible Action regarding adding a window in the District Court Office

Whitmore presented before the board that he was contacted by Sandy Hoeft, Clerk of the District Court, about installing a window in her office similar to what is in the clerk's and treasurer's office. Hoeft said she is waiting for a bid for the project, but she wants to know how it would be paid for, should she budget for it or does it come out of building and grounds. The windows for the clerk's and treasurer's office were paid for out of the Building and Grounds budget; will that budget pay for it again? The board discussed and determined that since it's a building modification it would come out of the Building & Grounds budget and once the estimate was known it need to go to the budget committee, so they can budget for project. Moved by Whitmore and seconded by Krafka to add a window in the District Court office. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Discussion/Possible Action regarding re-opening the courthouse to business as usual

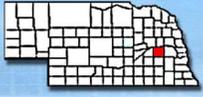
Human Resources Director, Heidi Loges, appeared before the board to discuss the courthouse reopening. Governor Ricketts had announced during a press conference that if County governments sought CARES Act funding they would need to be open to the public, business as usual by June 15, 2020. It was discussed that many offices have appointments throughout this first week and if the re-opening could take place starting next week that would be beneficial. Moved by Krafka and seconded by Bauer to reopen the courthouse business as usual on June 8, 2020. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Janak, Birkel and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

HR update

Loges appeared before the board and updated them on her office progress. The outside door which is being replaced by M&O door has been delayed until after June 8th.

Approval of NIRMA & NIRMA II Renewal Billing Statement (July 1, 2020 to July 1, 2021)

Laska reviewed the NIRMA insurance renewal with the board, it is a 2.02% or \$3,282 decrease from last year, annual insurance contribution for the year is \$159,478. Moved by Krafka and seconded by Birkel to approve the NIRMA &



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NIRMA II Renewal Billing Statement as presented. Upon roll call vote the following voted aye: Krafka, Birkel, Janak, Whitmore, Bauer and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Information on SourceWell as a governmental cooperative purchaser

County Attorney, Julie Reiter, presented information regarding Sourcewell as a governmental cooperative purchaser per the board's request at the May 18th meeting. She informed the board that Butler County has been a member of Sourcewell since 2005 and made their first purchase in December 2016 when they purchased their phone system. She noted that the County has two accounts, Butler County Courthouse, established in 2005 and Butler County Highway Department established in May 2019. To date the Courthouse account is the only account that has purchased from Sourcewell. Reiter suggested that the board get acquainted with the website.

There being no further business to come before the board, the Chairman adjourned the meeting at 1:38 p.m. The next scheduled meeting of the Board of Supervisors will be June 15, 2020 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach
Chairman