



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

July 6, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6<sup>th</sup> day of July, 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.

The Vice-Chairman called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

Vice-Chairman requested roll be called. Present: Birkel, Steager, Whitmore & Janak

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

At 9:02 Supervisors Mach and Bauer entered the meeting.

At 9:03 Supervisor Krafska entered the meeting.

### **Blue Valley Community Action - Annual Report and Budget Request**

Shari Wurtz-Miller, CEO for Blue Valley Community Action, presented the Annual Report to the Board. She provided the board with BVCA 2019 Impact report and discussed the results of the Community COVID-19 Needs Survey that is available on BVCA's website. Butler County had 16 responses to the survey which was quite a bit lower than other counties. The survey is still available for response at [www.bvca.net](http://www.bvca.net). Blue Valley Community Action is requesting funds in the amount of \$6,358.00 for fiscal year 2020-2021; which is a zero percent increase over last year's request.

### **Executive Session – Personnel Issue/Buildings & Grounds Department**

Moved by Birkel and seconded by Steager to move into Executive session at 9:15 a.m. to discuss personnel issues in the building and grounds department and inviting Heidi Loges and Ken Pelan into the meeting. Upon roll call vote the following voted aye: Birkel, Steager, Janak, Krafska, Bauer, Whitmore and Mach. The following voted nay: NONE. Motion carried.

Moved by Birkel and seconded by Bauer to exit the executive session at 9:55 a.m. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafska, Janak, Steager and Mach. The following voted nay: NONE. Motion carried.

### **Discussion/Possible Action reappointments for the Butler County Senior Services Advisory Board**

Diana McDonald, Senior Center Director, presented before the board that the following individuals are up for re-appointment to the Butler County Senior Services Advisory Board, Ethel Reha, Virgene Otte, and Donna Steager. Moved by Janak and seconded by Krafska to re-appoint Ethel Reha, Virgene Otte and Donna Steager for a 2-year term to the Advisory Board. Upon roll call vote the following voted aye: Janak, Krafska, Bauer, Whitmore, Birkel, Steager and Mach. The following voted nay: NONE. Motion carried.



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## **Discussion/Possible Action – Re-opening the Butler County Senior Center**

Diana McDonald again presented before the board her plan for re-opening the Senior Center. She intends to do a soft opening starting on July 7, 2020; where the center is open from 10 a.m. to 12 p.m. and those in attendance can take their meals to go at noon. She would like to do that until August 3<sup>rd</sup> when she extends her hours from 9:30 a.m. to 1:30 p.m. and allow meals within the center, while following all health directives. The board suggested they re-visit extending the hours at the August 3<sup>rd</sup> meeting in the event that directed health measures are updated. Moved by Krafka and seconded by Bauer to have a soft re-opening of the Butler County Senior Center, operating hours to be 10 a.m. to 12 p.m. with meals still being take-out and delivery only. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Steager, Janak and Mach. The following voted nay: NONE. Motion carried.

## **Discussion/Possible Action regarding Windstream Utility Permit for the intersection of County Roads X and Road 39**

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

## **Discussion/Possible Action regarding Windstream Utility Permit for the intersection of County Roads E and Road 26 to the residence at 490 Road 26.**

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

## **Discussion/Approval of Culvert Bids**

Highway Superintendent, Jim McDonald, presented a summary of the culvert sizes and prices from each company that submitted a bid. The board decided to accept all bids. Moved by Whitmore and seconded by Krafka to accept all culvert bids for fiscal year 2020-21. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Janak, Steager, Birkel and Mach. The following voted nay: NONE. Motion carried.

## **Update on Roads**

McDonald updated the board regarding the excavator lease/purchase, stating that the County will have to pay all 6 of the lease payments for the machine and then those payments will be taken off of the purchase price when the county purchases the machine. He told the board he was contacted by Helgoth's Melons about selling their produce. The board reminded McDonald they need to fill out the permit and as long as they do that, pay the fee and can prove they have insurance it shouldn't be a problem. He updated the board that when he met with the Road & Bridge committee that he was looking at raising a couple of employees wages, these employees can run all of the equipment and have a number a responsibilities and he feels like they should be compensated for that. The roads department has been installing culverts throughout the county. He updated the board that he is having issues with getting utility locates timely so some of their work has been delayed because of that. He is meeting with several employees to discuss taking over the maintenance of county roads that the county currently pays townships to maintain. McDonald stated that they continue to grade the roads and they are trying to get to the main roads twice a week. They are waiting on utility locates so they can do work on County Road R, once they receive those, they intend to pull the shoulders in and let the traffic pack the road. The supervisors commended McDonald on the current condition of the roads and told him the roads look the best they have in years. McDonald updated the board on the minimum maintenance road on County Road 37; the township is looking into what it would take to make this a through road again. Steager suggested that McDonald talk to the area residents to get their opinion on fix that road.

## **Discussion/Possible Action regarding an 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**

Chairman Mach told the board that he put this item back on the agenda because he had received several calls from persons within his district that were upset with the board's decision. He said he did not realize how many people in his area use the David City library. Other board members mentioned the phone calls they received, and they discussed an



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email the entire board had received. Present for the meeting were Clayton Keller, David City Administrator and Kay Schmid, Hruska Public Library Director. They answered questions the board had. The main concern the board had was of the dollar amount requested. Kay said that currently the library receives approximately \$2,500 in revenue from issuance of library cards, if the county extends library cards to all county residents they will lose that \$2,500; however, she also feels that the membership will increase and they will need that additional funding to issue the cards and keep the programs running. The board asked if this could be reviewed annually and Keller, said that would not be a problem. Moved by Janak and seconded by Krafka to contribute \$5,000 annually to the Hruska Public library to provide library cards for all residents of Butler County that do not live in the city limits of David City with a review annually. Upon roll call vote the following voted aye: Janak, Krafka, Birkel, Steager and Mach. The following voted nay: Bauer and Whitmore. Motion carried.

Moved by Krafka and seconded by Janak to approve the Interlocal agreement with the City of David City regarding the Hruska Public library, commencing on July 1, 2020 and ending on June 30, 2021. Upon roll call vote the following voted aye: Krafka, Janak, Steager, Birkel and Mach. The following voted nay: Whitmore and Bauer. Motion carried.

## **Discussion/Possible Action regarding an evidence room at the new Highway 92 Building**

Sheriff Tom Dion was not available to attend the meeting; this issue was tabled until further notice.

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

At 10:50 a.m. the board reconvened.

## **County Clerk monthly fee report**

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

## **Discussion/Re-appointment to Butler County Veterans Service Committee**

A letter was presented to the board from Donald Prochaska recommending the re-appointment of Chris Baete to the Butler County Veterans Service Committee for a 5-year term. Moved by Steager and seconded by Bauer to re-appoint Chris Baete for a 5-year term. Upon roll call vote the following voted aye: Steager, Birkel, Whitmore, Bauer, Krafka, Janak and Mach. The following voted nay: NONE. Motion carried.

## **Approval of Nebraska Auditor of Public Accounts Audit Agreement for Fiscal Year-end June 30, 2020**

Moved by Whitmore and seconded by Steager to approve the chairman to sign the audit agreement for fiscal year end June 30, 2020. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Janak, Krafka, Bauer and Mach. The following voted nay: NONE. Motion carried.

## **Notification from the Nebraska Dept of Environment & Energy (NDEE) – Lancelot Farm, LLC Concentrated Animal Feeding Operation – Construction and Operating Permit Issued – Approval to Operate**

Notification was received from the State of Nebraska, Department of Environment & Energy (NDEE) of a Construction and Operating Permit Issued for approval to operate for Lancelot Farm, LLC Concentrated Animal Feeding Operation located in the South  $\frac{1}{2}$ , of the Northeast  $\frac{1}{4}$ , Section 6 Township 14N, Range 2E, Butler County, Nebraska.

## **Discussion/Possible Action – Clerk's request to stay overnight in Grand Island for Clerk's Conference August 19-21**

County Clerk, Stephanie Laska, requested permission to stay overnight in Grand Island for the Clerk's Conference being held August 19-21. Moved by Krafka and seconded by Whitmore to approve the Clerk's overnight stay in Grand Island.



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

## **Discussion/Possible Action on budget increase for fiscal year 2020-2021**

Supervisor Whitmore presented before the board that he had this item put back on the agenda. He wanted to discuss allowing elected officials and department heads the option to increase their wages 2% and their operating budgets 1% to allow them to give their employees a raise. County Attorney, Julie Reiter, approached the board stating that a lot of elected officials and department heads take the Board's recommendation very seriously and often stay as close to their recommendation as possible. She noted that she will not be able to stay within the board's recommendation, she will need without any wages increase an additional \$21,000 in her budget for the following reasons: 1) She has an employee who has taken cash in lieu in the past, she is now taking the County's health insurance which will increase her budget; 2) Her case management system's maintenance contract is due, she received the first year at no cost, however, now she needs to pay for that; 3) one of her employees is currently paid half out of her County Attorney Budget and half out of Child Support Incentive budget; the funds in the Child Support Incentive fund are no longer sufficient to cover half of that employee's salary and she needs that employee; so she will be asking to increase her County Attorney Budget. She noted that the 1% recommendation from the board is simply not feasible for most. County Treasurer, Karey Adamy presented a document listing all employees and their hourly wage increase in the past year. Reiter continued, mentioning that the wages throughout the county are not in line with each other. Asking the board how they can recommend a 1% increase; and yet last year they did not follow their own recommendations when increasing their supervised employees' wages. Supervisor Birkel stated that board simply makes a recommendation for the overall budget increase and if a department needs to exceed recommendation, they will meet with the budget committee and explain the increase. He also stated that he does not recall a time when they have denied a department increase if it was justified. County Assessor, Vickie Donoghue, asked how some of the departments can give some of the raises that they give and stay with in recommendation, she also asked why there is so much overtime within the county? She understands if there is a snowstorm or a project that absolutely needs to be completed, however, some departments have overtime, all the time, why is it needed? Adamy mentioned the comp time that is being accrued also, which is a liability to the county. Those present were asking for accountability. Supervisor Steager stated that since he was elected they have always used the Consumer Price Index (CPI) to recommend wage increases for the elected officials and they've used that index also to recommend budget increase as well, he asked is this right, is it wrong? Discussion continued; it was stated that CPI is a good factor to use for cost of living adjustments. Supervisor Krafka stated that everyone needs to understand that the board is recommending an increase for the overall budget, some budgets will be able to stay within that range and others may not, if you are unable, you need to talk to your liaison and the budget committee. Steager suggested a wage study. Adamy stated that the last time a wage study was done a lot of work went into the study, it was presented to the board why wages should be increased and in the end, what had happened was the board said they didn't want to be the highest paid county or the lowest so they chose the middle. It was questioned why all that work should go into doing the study if the recommendation is ignored. Donoghue mentioned that she will be requesting additional money over and above her current budget for the aerals that are flown every 5 years, she will be breaking the cost over two fiscal years, however, the cost is necessary and very helpful since the county does not have zoning. Reiter also informed the board that the Courtrooms are needing updating and that will be requested this budget year.

Supervisor Birkel was excused at 11:40 a.m.

## **Human Resources Director Update**

Heidi Loges, Human Resources Director, presented before the board, she was asked by a Highway Department employee about prescription safety glasses and how he can go about getting them. The board noted that they had provided those in the past and that the highway department has a line item for safety equipment. She reported that she and Laska had completed training on the timeclocks and that they would be getting a couple of departments going to work out the kinks before going live with the entire county. She updated the board that the metal door at the entrance has been ordered and M&O Doors will come and install it once it comes in.



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## **Floodplain Administrator Update**

Breann Whitmore, Floodplain administrator, provided the board with a document itemizing the permits that have been signed and the activity she has had over the last few months. That document has been placed on file in the clerk's office.

## **Discussion**

Supervisor Whitmore brought to the boards attention that District Court had received the estimate for installing the window and counter in that office and it was approximately \$9,700. Installation will not happen until later this year.

## **Update/Discussion on pending NEOC claim –Executive Session**

Moved by Janak and seconded by Whitmore to move into Executive session at 12:15 p.m. for an update and discussion on a pending NEOC Claim and inviting County Attorney, Julie Reiter. Upon roll call vote the following voted aye: Janak, Steager, Whitmore, Bauer, Krafka and Mach. The following voted nay: NONE. Absent: Birkel. Motion carried.

Moved by Steager and seconded by Whitmore to move out of executive session at 12:35 p.m. Upon roll call voted the following voted aye: Steager, Whitmore, Bauer, Krafka, Janak and Mach. The following voted nay: NONE. Absent: Birkel. Motion carried.

At 12:35 p.m. the chairman declared the board would take a short recess.

At 1:00 p.m. the board reconvened.

Birkel returned at 1:00 p.m.

## **BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)**

Moved by Whitmore and seconded by Steager to move into the Board of Equalization at 1 p.m. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Janak, Krafka, Bauer and Mach. The following voted nay: NONE. Motion carried.

Moved by Whitmore and seconded by Bauer to exit the Board of Equalization at 3:29 p.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Janak, Steager, Birkel and Mach. The following voted nay: NONE. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 3:30 p.m. The next scheduled meeting of the Board of Supervisors will be July 20, 2020 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

David W. Mach  
Chairman