



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

September 8, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 8<sup>th</sup> day of September, 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 Scott Steager.

Supervisor Greg Janak entered at 9:02 a.m.

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.

Laska noted that 3 claims were removed from the approved claim list; they were removed from 911 Emergency Management due to low fund balance. The claims were as follows: DAS State Acctg (\$5,376), Motorola Solutions, Inc. (\$15,186.56) and Sleuth (\$1,136) for a total of \$21,698.56. She noted that the vendors were notified and would be paid in September.

The Chairman declared the minutes approved with the above corrections.

### **Public Hearing for 2020-2021 County Budget**

Moved by Whitmore and seconded by Steager to move into the Public Hearing for the 2020-2021 County Budget at 9:01 a.m. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Krafka, Bauer and Mach. The following voted nay: NONE. Abstained: Janak. (Janak entered meeting as the motion was being made.) Motion carried.

Due to technical difficulties, the meeting was halted while zoom was being brought back up.

### **Special Public Hearing for Final Tax Request**

Moved by Janak and seconded by Bauer to move into the Special Public Hearing for Final Tax Request. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager and Mach. The following voted nay: NONE. Motion carried.

Laska summarized the published notice for the board. Stating that the final tax request for the 2020-21 budget was \$4,213,793.44 which was up 2% over last year. She noted that the tax rate for the 2020-21 budget was 0.176193 which was 2% over last year's levy. She also noted that the County's overall valuation is down 0.11% over last year's valuation. She mentioned that the budget summary includes a \$500,000 transfer from the Inheritance fund for property tax relief. Janak mentioned that that was the biggest transfer that has been done since he has been a supervisor. Birkel noted that while this is the largest transfer, the balance in the Inheritance fund is the largest it has ever been also, at over \$4 million dollars. It was noted that even after the transfer, the fund will still be above \$4 million dollars. Birkel also made mention that in the past Butler County has been up at the top for the lowest levy for a county; he's unsure where we stand now, but in the past he believed only Hamilton County was lower than Butler County.



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Chairman Mach asked the public in attendance if they had any comments and concerns about the budget, there was no comment.

Chairman Mach asked for a motion to close the Public hearing for the 2020-2021 County Budget at 9:15 a.m. Moved by Steager and seconded by Birkel to close the public hearing. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: NONE. Motion carried.

Chairman Mach asked for a motion to close the Special Public Hearing for Final Tax Request. Moved by Janak and seconded by Whitmore to close the special public hearing at 9:16 a.m. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager and Mach. The following voted nay: NONE. Motion carried.

### **Consideration of Resolution 2020-27/Adoption of County Budget**

Supervisor Janak read Resolution 2020-27 – Adoption of County Budget. Moved by Janak and seconded by Krafka to approve the 2020-2021 County Budget. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Bauer, Whitmore, Birkel and Mach. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2020 – 27**

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2020, to June 30, 2021, prepared by the Budget Making Authority, was transmitted to the County Board on the 8<sup>th</sup> day of September, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of SUPERVISORS of Butler County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2020, to June 30, 2021, as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for Butler County for said fiscal year.

SECTION 2. That the offices, departments, activities and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

DATED AND PASSED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2020.

/s/David W. Mach  
Supervisor  
/s/Greg Janak  
Supervisor  
/s/Scott Steager  
Supervisor  
/s/Max Birkel  
Supervisor

/s/Scot Bauer  
Supervisor  
/s/Tony Krafka  
Supervisor  
/s/Anthony Whitmore  
Supervisor

ATTEST:

/s/Stephanie L. Laska



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County Clerk

## Consideration of Resolution 2020-28/Setting of Final Tax Request

Supervisor Steager read Resolution 2020-28 – Setting of Final Tax Request. Moved by Steager and seconded by Janak to approve Setting of the Final Tax Request. 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 SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2020 - 28  
RESOLUTION SETTING THE 2020-2021 FINAL TAX REQUEST**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the Butler County Board of Supervisors passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW THEREFORE, the Governing body of the Butler County Board of Supervisors, resolves that:

1. The 2020-2021 property tax request be set at \$4,213,793.44.
2. The total assessed value of property differs from last year’s total assessed value by (0.11%).
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.172830 per \$100 of assessed value.
4. The County of Butler proposes to adopt a property tax request that will cause its tax rate to be \$0.176193 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of Butler County will exceed last years by 2%.

DATED AND PASSED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2020.

/s/David W. Mach

Supervisor

/s/Greg Janak

Supervisor

/s/Scott Steager

Supervisor

/s/Max Birkel

Supervisor

/s/Scot Bauer

Supervisor

/s/Tony Krafka

Supervisor

/s/Anthony Whitmore

Supervisor

ATTEST:

/s/Stephanie L. Laska

County Clerk

## Potential Litigation – Discussion/Possible Action – Executive Session

Moved by Steager and seconded by Whitmore to move into executive session to discuss and possibly act on potential litigation inviting County Attorney, Julie Reiter and Human Resources Director Hiedi Loges at 9:24 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.



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Moved by Whitmore and seconded by Birkel to come out of executive session at 9:58 a.m. Upon roll call vote the following voted aye: Whitmore, Birkel, Janak, Steager, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

Moved by Whitmore and seconded by Bauer to hire Pam Bourne for potential litigation for a Butler County Personnel Issue. 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 regarding 4-H using the Highway 92 Building**

Katie Pleskac – Butler County Extension Educator appeared before the board to discuss use of the Highway 92 building for 4-H education purposes. They have a robotics program beginning next week, September 17, 2020; and they need space for the program from after school until 5 p.m. She stated that the 4-H Council will purchase tables and chairs and they will write a grant for reimbursement. She said the program will run September 2020 through January 2021, unless they reach the state and they will go through February 2021. Steager said he would look into pricing tables and chairs for the area. Heidi Loges asked about access to the building if she would not be there, the board said Katie could have a key. Moved by Steager and seconded by Birkel to allow 4-H to use the Highway 92 building. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: NONE. Motion carried.

At 10:12 a.m. the chairman declared the board would take a quick break.

At 10:16 a.m. the board reconvened.

## **Approval of 2nd K-9 to be purchased by Deputy Michael Mejstrik**

Supervisor Birkel asked how long it would take to get certified and Sheriff Dion responded 6 weeks. Supervisor Janak asked if Deputy Mejstrik was okay with the exclusivity of the contract that was written, and he said yes, he was. Supervisor Steager said that he spoke with Mejstrik the week prior and found out that the current dog is 6 years old and the need for this 2<sup>nd</sup> dog may be sooner than we think. Moved by Steager and seconded by Whitmore to approve the purchase of the 2<sup>nd</sup> K-9 by Deputy Michael Mejstrik. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: NONE. Motion carried.

## **Permission for Deputy to travel out of state for K-9 Schooling**

Sheriff Dion requested permission to send Deputy Mejstrik to Virginia for 6 weeks of training with the new K-9. Moved by Whitmore and seconded by Bauer to approve Deputy Mejstrik's travel to Virginia. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Janak, Birkel, and Mach. The following voted nay: NONE. Motion carried.

## **Acceptance of contract between Deputy Michael Mejstrik for use of K-9 to be used solely by Butler County**

Sheriff Dion presented the contract that was drawn up by County Attorney, Julie Reiter. Moved by Whitmore and seconded by Krafka to approve the contract 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 Bowstring Drainage Permit documents and easement**

County Attorney, Julie Reiter, reported that she had not received the signed documents back from Clark Grant, he had her put this on the agenda because he thought he would have everything signed before the meeting. She informed the board that they could approve the agreement and authorize the chairman to sign it once it is returned. Moved by Krafka and seconded by Bauer to approve the Drainage permit and authorize the chairman to sign it once it is returned. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Janak, Steager, and Mach. The following voted nay: NONE. Motion carried.

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





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Moved by Whitmore and seconded by Steager to move into the Board of Equalization at 10:30 a.m. Upon roll call vote the following voted aye: Whitmore, Birkel, Janak, Steager, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

## **County Clerk monthly fee report**

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

## **Nebraska Department of Environment & Energy (NDEE) Notice of Construction and Operating Permit Issued – Approval to Operate for Wildcat Farm LLC, Concentrated Animal Feeding Operation**

Notification was received from the State of Nebraska, Department of Environment and Energy (NDEE) of a Notice of Construction & Operating Permit Issued – Approval to Operate for Wildcat Farm LLC located in North ½ of the Southeast ¼, Section 8, Township 15 North, Range 1 East, Butler County, Nebraska.

## **NDEE Notice of Construction & Operating Permit Issued – Approval to Operate for Wolfpack Farm, LLC Animal Feeding Operation**

Notification was received from the State of Nebraska, Department of Environment and Energy (NDEE) of a Notice of Construction & Operating Permit Issued – Approval to Operate for Wolfpack Farm LLC located in South ½ of the Southeast ¼, Section 7, Township 15 North, Range 1 East, Butler County, Nebraska.

## **NDEE Notice of Construction & Operating Permit Issued – Approval to Operate for 6M, LLC Concentrated Animal Feeding Operation**

Notification was received from the State of Nebraska, Department of Environment and Energy (NDEE) of a Notice of Construction & Operating Permit Issued – Approval to Operate for 6M LLC located in the Northeast ¼, Section 2, Township 15 North, Range 1 East, Butler County, Nebraska.

## **Discussion/Possible Action regarding the Butler County Ag Society purchasing land from Butler County that was previously owned by the Ag Society**

Supervisor Whitmore addressed the board and said he put this on the agenda because he was contacted by Donnie Steager regarding land that the Ag Society owned in the 1980's and sold to Butler County as part of the Highway Department yard. They would like to know if they can purchase that back. Whitmore said he had hoped to have more information and said it would need to be put back on the agenda at a later date.

## **Discussion/Possible Action – Approval of Interlocal Agreement with Summit Township**

Highway Superintendent, Jim McDonald, presented an interlocal agreement between Summit Township and Butler County, where the county maintains 3 miles of road on County Road 35 between County Road A and D. Moved by Bauer and seconded by Whitmore to approve the agreement as presented. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Janak, Steager, Krafka, and Mach. The following voted nay: NONE. Motion carried.

## **Discussion/Possible Action – Approval of Utility permit for Lukas Fricke on Road 27 between I & J to bury electrical wires under the road**

McDonald presented a utility permit for Lukas Fricke on Road 27 between I & J to bury electrical wires under the road. After reviewing it was determined that this work is in two townships, they have township approval from Union, however, also need approval from Ulysses township. Moved by Whitmore and seconded by Bauer to approve the utility permit pending Ulysses township approval. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Janak, Birkel and Mach. The following voted nay: NONE. Motion carried.

## **Update on Roads**

McDonald updated the supervisors that they had completed work on County road 30 and W; he also stated they had replaced a bridge with a culvert on county road L between Road 22 & 23. They also fixed a washout on County Road W & 26. He updated the board that they need to rent a lift to fix equipment out at the Gravel Pit. McDonald also told the board that the fire marshal was out inspecting the new fuel tank they have and told him that they either need to fence



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the entire property or they need to fence around the tank. McDonald asked what the board wanted him to do? County Attorney Julie Reiter mentioned to the board that they should speak with the Sheriff regarding his needs for an impound lot once the old yard is sold. McDonald is going to measure the area that needs to be fenced and the board will check with the Sheriff. McDonald said he will be meeting with the Norfolk Steel rep to look at the A Road bridge shared with Polk County. He mentioned that they need to look for a new salt spreader for the pickup, the one they have currently is in bad shape. Also said they will probably have to look for a new trailer for Jon White, the one they have currently is falling apart.

At 11:18 a.m. the chairman declared the board would take a quick break.

At 11:24 a.m. the board reconvened.

## **Executive Session – Discussion/Possible Action regarding Personnel Issue/Butler County Highway Department**

Moved by Whitmore and seconded by Bauer to move into executive session and invite, Jim McDonald, Heidi Loges and Julie Reiter at 11:25 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Janak, Birkel, and Mach. The following voted nay: NONE. Motion carried.

Moved by Birkel and seconded by Steager to move out of executive session at 12:22 p.m. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: NONE. Motion carried.

Moved by Krafka and seconded by Bauer to terminate Jim McDonald. The following voted aye: Krafka, Bauer, and Whitmore. The following voted nay: Birkel, Janak, Steager, and Mach. Motion failed.

## **Approval of Early Payroll Claims**

Presented before the board was an early payroll claim for an employee no longer with the County. Moved by Steager and seconded by Whitmore to approve the early payroll claim. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: NONE. Motion carried.

## **Notice of Windstream Claim**

County Attorney notified the board of a Windstream claim for damaged property. She informed the board she has forwarded it to NIRMA, and they will be handling it.

## **Consideration of Resolution 2020-29/Transfer from Inheritance Tax Fund to General Fund**

Presented before the board was a resolution to transfer \$500,000 from the Inheritance fund to the General Fund per the approved budget. Moved by Steager and seconded by Birkel to approve the resolution as presented. 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 SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2020 – 29**

WHEREAS, the Butler County Board of Supervisors at the September 8, 2020 Budget Hearing approved the transfer of money from the Inheritance Tax Fund to the General Fund as part of the budget process for general operations; and

WHEREAS, the amount approved through the budget hearing for said operations of the General Fund to be transferred from the Inheritance Tax Fund is \$500,000.00; and



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WHEREAS, funds are available in the Inheritance Tax Fund to transfer to the General Fund in the amount of \$500,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$500,000.00 to the General Fund for general operations from the Inheritance Tax Fund.

Dated this 8<sup>th</sup> day of September, 2020.

/s/David W. Mach  
David W. Mach, Chairman

ATTEST:

/s/Stephanie L. Laska  
Stephanie L. Laska, County Clerk

## **Consideration of Resolution 2020-30/Transfer from General Fund to 911 Emergency Management**

Presented before the board was a resolution to transfer \$337,263.38 from the General fund to the 911 Emergency Management Fund per adoption of the budget. Moved by Janak and seconded by Whitmore to approve the resolution as presented. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: NONE. Motion carried.

### **BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2020-30**

WHEREAS, the Butler County Board of Supervisors is obligated to levy funds for the 911 Emergency Management Fund through the General Fund of Butler County; and

WHEREAS, the Butler County 911 Emergency Management is requiring funds in order to keep up the maintenance and operation of said department; and

WHEREAS, funds are available in the General Fund to transfer to the 911 Emergency Management Fund in an amount of \$337,263.38.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$337,263.38 to the 911 Emergency Management Fund for the maintenance and operations of said 911 Emergency Management from the General Fund.

Dated this 8<sup>th</sup> day of September, 2020.

/s/David W. Mach  
David W. Mach, Chairman

ATTEST:

/s/Stephanie L. Laska  
Stephanie L. Laska, County Clerk

## **Human Resources Director, HR Update**

Heidi Loges reported to the board that she did not have a lot to update. Her door had finally been installed and she is still having issues with her fingerprint scanner. It still does not work with her computer; she has been using Laska's computer to get the courthouse employees entered and may end up using her computer to get the roads department entered as well.

## **Committee Reports**



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Janak reported that the Senior Center was supposed to be back on the agenda this week, however, with the uptick in cases Diana is not looking to open anytime soon. They will continue with the soft opening unless anything would change.

Janak reported that the Law Enforcement Contract is coming along; it is being drafted by Jim Egr's office and will hopefully be presented before the board soon.

## **Correspondence**

1. NIRMA Memo – Annual Membership meeting for Election of Board Members
2. Columbus Arts Council – Thank you
3. Nebraska Institute of Agriculture & Natural Resources – Thriving Index
4. Nebraska Forest Service – Southeast Nebraska Community Wildfire Protection Plan

## **Discussion**

Steager mentioned to the board that they should think about moving the board meetings to the courtroom if it is available; there they can social distance properly. Laska was asked to see if the courtroom is available for the next meeting and to advertise the meeting in the court room.

There being no further business to come before the board, the Vice-Chairman adjourned the meeting at 12:49 p.m. The next scheduled meeting of the Board of Supervisors will be September 21, 2020 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

David W. Mach.  
Chairman