



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

October 5, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 5th day of October, 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 and Scott Steager.
Absent: Greg Janak.

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.

Chairman Mach asked that all present observe a moment of silence for Larry & Marty Mach who were killed tragically in a car accident. Larry was a long-time supervisor for Saunders County.

Floodplain Administrator Update

Breann Whitmore, Flood Administrator, presented an update to the supervisors. She said that 3 new permits were issued. There are 2 in progress to be removed from the flood plain. She asked the supervisors if they were aware of a blanket permit that the county uses. She said that anytime the county does work they should have one. The Board advised that she get together with Jim McDonald, Highway Superintendent, to look into the matter.

County Clerk monthly fee report

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

Clerk of the District Court monthly report fee

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

Discussion/Possible Action regarding change of venue for Open Door Forum for Ag Extension Agent, Louise Niemann

At the September 21, 2020 meeting Louise Niemann, Ag Extension Agent, had requested to stay in Fullerton for the UNL Open Door Forum. Her request was granted. However, between the approval and today the Forum was moved from Fullerton to Albion. She is requesting permission to stay overnight in Albion at the Cardinal Inn October 7-9. Moved by Whitmore and seconded by Bauer to approve the venue change and allow Niemann to stay in Albion instead of Fullerton. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafska, Steager, Birkel, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

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



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Discussion/Possible Action regarding what to do with the old courthouse phones

Supervisor Steager asked the rest of the board what they wanted to do with the old courthouse phones that were just replaced. He said that Ken Pelan had to move them from where they were placed in the courthouse to the Highway 92 building due to space. The board discussed putting them on an auction site and selling them that way. Moved by Steager and seconded by Bauer to put the phones on an auction site to sell them. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Birkel, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Discussion/Possible Action regarding the radio tower to be erected in the Linwood Area

Joel Cerny and Leo Juranek from the Linwood Rural Fire District appeared before the board to discuss erecting a radio tower in the Linwood area. Cerny said that the board has approved to pay \$10,000 and are asking the county what they are willing to pay. He presented a document that had an itemized listing of the project. Currently the project totals \$30,539. Steager asked if the Tower Equipment included a new repeater. Cerny said that it did. Steager said the county currently has two that are not in use and one could be moved to this tower, which would decrease the equipment cost. The board also mentioned the county may be able to provide the rock for the area as well as the machine and labor to dig the hole for the tower. Steager and Cerny will get together to refine the numbers for the project and this will be discussed again in two weeks at the next meeting.

Discussion/Possible Action – Approval of Windstream utility permit on Roads 30 & M

A utility permit for Windstream on Roads 30 & M into Garrison was brought before the board. The permit has been signed and approved by Union Township. Moved by Whitmore and seconded by Bauer to approve the permit as presented. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Birkel, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Discussion/Possible Action – Approval of Windstream utility permit on Road 30

A utility permit for Windstream on Road 30 into Garrison was brought before the board. The permit has been signed by the Village of Garrison. Moved by Steager and seconded by Birkel. Upon roll call vote the following voted aye: Steager, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Discussion/Possible Action – Approval of utility permit for John Vandenberg in Sections 17 & 20

A utility permit for John Vandenberg to bury an irrigation pipe in the ditch in Sections 17 & 20 was presented before the board. The request is so that they do not have to lay the pipe in the ditch any longer. The board requested that a tracer is placed with the pipe. Moved by Whitmore and seconded by Steager. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Krafka, Bauer, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Approval of Interlocal agreement with Franklin Township

An interlocal agreement with Franklin Township was presented before the board. This contract is a continuance of the current contract, it is for another five years. Moved by Krafka and seconded by Whitmore to approve the agreement as presented. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Steager, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

NBCS Report Forms/Approval & Certification/Authorization of Signature

The Road Department's annual report to the Board of Public Roads and Classification and Standards was presented for the board's approval and certification at the last meeting. Moved by Birkel and seconded by Bauer to authorize the chairman to sign the documents. Upon roll call vote the following voted aye: Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

Consideration of 2020-32/Certificate of Completion



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Resolution 2020-32 was presented for the board's consideration. Moved by Whitmore and seconded by Krafka to approve and adopt Resolution 2020-32 as presented. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Birkel, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

RESOLUTION

SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2020

Resolution No. 2020-32

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include a copy of a resolution of the governing body of the county authorizing the signing of the certification form.

Be it resolved that the County Board Chairperson of Butler County is hereby authorized to sign the attached County Annual Certification of Program Compliance form.
(Print name of county)

Adopted this 5th day of October, 2020 at David City Nebraska.
(Month)

County Board Members

David W Mach
Tom Khr
Scott Bauer

Wayne Burt
Scott

County Board Member Whitmore
Moved the adoption of said resolution
Member Krafka Seconded the Motion
Roll Call: 6 Yes 0 No 0 Abstained 1 Absent
Resolution adopted, signed and billed as adopted.

Attest:

Update on Roads

Jim McDonald, reported they replaced culverts at County Roads 26 & W. They have billed the chicken houses in Summit for gravel entrances. The fence around the Highway 92 building on the North side and the West side measured at 870 feet. The board mentioned that the surrounding counties Highway Departments have their facilities fenced all the way around; it would be nice to fence the entire property all at once. The fire marshal gave them a year to be in compliance with state law regarding the fuel tanks that were installed on the property. The board instructed McDonald to get a quote for the entire project. McDonald also told the board that he was looking into a new sander and the one that will fit in the truck that he's replacing is stainless and will cost \$4,700.

At 10:13 a.m., Chairman Mach announced that the board would take a short recess.

At 10:18 a.m., Chairman Mach announced that the board would reconvene.

Discussion/Possible Action – Consideration of the David City Law Enforcement Contract

Supervisor Whitmore told the board that they met the week prior to continue contract negotiations. County Attorney, Julie Reiter, suggested that the board continue discussion in executive session. Moved by Whitmore and seconded by Steager to move into executive session at 10:20 a.m. and invited County Attorney Julie Reiter and Sheriff Tom Dion into



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

Moved by Whitmore and seconded by Steager to move out of executive session at 10:48 a.m. Upon roll call vote the following voted aye: Whitmore, Birkel, Steager, Krafka, Bauer, and Mach. The following voted nay: NONE. Absent: Janak. Motion carried.

HR Update

Heidi Loges, Human Resources Director, appeared before the board. She presented the board with a pest control bid for the Highway 92 building. Plunketts gave the quote, they take care of the Courthouse pest control. For the entire building they have quoted \$1,320 for 8 times a year. The board told Heidi she should get that going so they can take care of the pest problems out at the building. She updated the board regarding the locks on the building and the key fobs. She said that the locks had already been changed before she could tell Jim to hold off. She said that she had contacted the company that takes care of the courthouse fobs and they have not gotten back to her with a quote. Lastly, Loges brought up that she has been approached by several employees about being paid twice a month. The board asked Laska how hard it would be to get that going with payroll. Laska said that once everyone is up and running on Timeclocks and it is running smoothly the process would be simple. It will take time to get everyone on the same pay schedule, but once that happens, twice a month or bi-weekly should be simple. Loges said that there are surrounding counties that pay this way and she would get more information.

Correspondence

1. 4-H and Ag Extension Thank you for allowing use of the Highway 92 building
2. Blue Valley Behavioral Health – Thank you for support
3. Butler Public Power District – Hazard Mitigation
4. Summit Township – Request for stop signs

Discussion

Supervisor Whitmore discussed with the Board that he was approached by a Highway department employee regarding materials out at the old Highway Dept. yard. He stated why would they move materials that are never going to be used, such as bridge building materials. The road and bridge committee will address with Jim McDonald.

Whitmore also brought to the board's attention that the Ag Society will be on the next meeting's agenda to discuss possibly purchasing land that they had previously sold to Butler County.

Supervisor Steager updated the board that if they see activity east of the Hospital, they have put the audiology building out for bid.

There being no further business to come before the board, the Chairman adjourned the meeting at 11:20 a.m. The next scheduled meeting of the Board of Supervisors will be October 19, 2020 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach.
Chairman