



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

December 7, 2020

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 7th day of December, 2020 at the Butler County Highway 92 Building in David City, Nebraska at 9:00 a.m.

Present were the following: David W. Mach, Tony Krafka, Scot Bauer, Anthony Whitmore, Max Birkel, 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.

Discussion/Possible Action – Consideration of Resolution 2020 – 36 District Court Opening New Bank Account at Bank of the Valley

District Court Clerk, Sandy Hoeft, requested of the board to approve Resolution No. 2020 – 36 to allow her to open a new bank account at Bank of the Valley. She currently has her bank account at US Bank, and they are closing the local branch. Moved by Whitmore and seconded by Bauer to approve Resolution No. 2020 – 36 as presented. Upon roll call vote the following voted aye: Whitmore, Bauer, Birkel, Krafka, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2020- 36

WHEREAS the Butler County District Court currently has a checking account no. xxxxxxxx617 at US Bank in David City called the “Butler County District Court Account” in which to deposit and expend funds for the operations of the Butler County District Court; and

WHEREAS, US Bank in David City is closing and the above account must be transferred; and

WHEREAS, the Clerk of the District Court of Butler County desires to establish a new checking account at Bank of the Valley in David City for the same purpose as the account at US Bank and transfer all the funds in the US Bank account to the Bank of the Valley account and close the US Bank account.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors, that the Clerk of the District Court of Butler County is hereby authorized to open a checking account at Bank of the Valley in David City, Nebraska and transfer all funds from the Butler County District Court Account at US Bank into the Butler County District Court checking account established at Bank of the Valley in David City and thereafter close the US Bank Butler County District Court checking account at US Bank.



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Dated this 7th day of December, 2020

/s/David W. Mach

David W. Mach, Chairman Butler County Board of Supervisors

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

County Clerk monthly fee report

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

Expenditures report July 1, 2020 through November 30, 2020

The expenditures report for July 1, 2020 through November 30, 2020 was presented before the board. The report was accepted and placed on file.

Discussion/Possible Action - Lancaster County Claim for General assistance

County Clerk, Stephanie Laska, relayed information from County Attorney, Julie Reiter, regarding a general assistance claim. The claim pertains to a claim that was presented back in April; the board denied the claim back then. The individual that it pertains to is not a resident of Butler County, but rather the individual established residency in Lancaster County at least 6 months prior to the original claim for general assistance that was paid by Lancaster County. Reiter recommends the board deny the claim. Moved by Krafka and seconded by Janak to deny the Lancaster County claim for general assistance. Upon roll call vote the following voted aye: Krafka, Janak, Whitmore, Birkel, Bauer, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Discussion/Possible Action regarding payment of litigation expert opinion

Supervisor Whitmore explained to the board in the County Attorney's absence that there is a trial coming that she may be required to order an expert opinion as required by the judge. She does not have the funds to cover the expenses and she will be asking the board how she can pay for this. This topic will be tabled until the next meeting when Reiter will be in attendance.

Discussion/Possible Action regarding transferring funds from Inheritance Tax Fund to Disaster Fund

Laska informed the board that when they established the Disaster Fund, they established its purpose for the 2019 flood and future natural disasters. Currently the pandemic is only labeled as a state of emergency; it is not labeled as a natural disaster. The pandemic would not meet the definition of the purpose of the fund. The board conference called in Reiter to ask her about this and she reiterated that when they established the fund it was strictly for the flood and future natural disasters. She said she would discuss with Mark Doehling, the Emergency Manager, what his thought process was for tracking the expenses through the Disaster fund. The board asked Laska to put it on the next meeting's agenda.

Discussion/Possible Action-Setting of Hearing to Amend Budget to authorize use of funds transferred from Inheritance Tax Fund to Disaster Fund

Laska explained to the board that if they determine they will transfer money to the Disaster fund for COVID expense tracking; that they will need to amend the budget. While they have the authority to transfer the money; they do not have the authority to pay expenses out of that fund over and above what was already approved when the budget was adopted. This subject will be tabled until the next meeting also.

Consideration/Approval of Resolution 2020-38 – Butler County Extension Board Appointments 2021



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Ag Extension Agent, Kurt Montoya, appeared before the board to present the Extension Board appointments for 2021. Appointees are as follows, Laurie Schmid is filling the open position on the Extension Board and Jenna Lange will fill the 4-H Council Representative position. Moved by Birkel and seconded by Bauer to approve the board appointments as presented. Upon roll call vote the following voted aye: Birkel, Bauer, Whitmore, Krafka, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Designation of Official County Newspaper for 2021

Moved by Krafka and seconded by Birkel to designate The Banner Press as the official Butler County Newspaper for 2021. Upon roll call vote the following voted aye: Krafka, Birkel, Bauer, Whitmore, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Designation of Official County Website for 2021

Moved by Bauer and seconded by Whitmore to designate the Butler County website as an official means of publication for 2021. Upon roll call vote the following voted aye: Bauer, Whitmore, Krafka, Birkel, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Approval of Claims for employees
Laska
before the
there were
who have

Butler County Supervisors
Butler County, Nebraska
Resolution No. 2020-38

Early Payroll terminated

presented
board that
3 employees
terminated

Resolution

Whereas the University of Nebraska Extension is a valuable part of Butler County, and

Whereas the Extension Board is the organization appointed by the Butler County Board of Supervisors to oversee the Nebraska Extension programming in this county, and

Whereas public participation in this level of government is respected civil service, and

Whereas the Butler County Board of Supervisors desires to continue this tradition of local cooperation with Butler County Extension, and

Whereas Laurie Schmid has applied and been recommended to fill the open position on the Extension Board and Jenna Lange has been appointed to fill the 4-H Council representative position, then

Be it resolved, the Butler County Board of Supervisors appoint Laurie Schmid and Jenna Lange to the Butler County Extension Board and extend the appointment of the citizens currently serving Butler County as shown in the attached list for the terms as shown, and

Be it resolved, the Butler County Board of Supervisors express their gratitude to these board members for their service.

Given under my hand on this, the 7th day of December 2020, in David City Nebraska.

David W. Mach, Chairman
Butler County Board of Supervisors



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employment and there was also an audit of a past employee with whom it was found 2 days of COVID pay was missed on the payroll. Moved by Whitmore and seconded by Krafka to approve the early payroll claims. Upon roll call vote the following voted aye: Whitmore, Krafka, Birkel, Bauer, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Approval of City's request to display Christmas tree in Courthouse Lawn

The city is requesting to display the Christmas Tree on the Courthouse lawn. Reiter is recommending that the board approve this request for 2020 and all future years until it is rescinded by the county; this will enable to City to display the tree each year without asking permission each year. Moved by Whitmore and seconded by Birkel to approve the city's request to display the Christmas tree on the courthouse lawn for 2020 and all future years until permission is rescinded by the county. Upon roll call vote the following voted aye: Whitmore, Krafka, Birkel, Bauer, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.

Discussion/Possible Action – Approval of Utility Permit for Stuart Gerhold for a driveway into his property on County Road G between 42 and 43

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

Consideration/Approval of Resolution 2020 – 37 Year-end Certification of County Highway Superintendent Form 2020

A resolution to authorize the chairman to sign the Year-end certification of County Highway Superintendent form 2020. Moved by Whitmore and seconded by Birkel to approve the resolution as presented. Upon roll call vote the following voted aye: Whitmore, Krafka, Birkel, Bauer, Janak, and Mach. The following voted nay: NONE. Absent: Steager. Motion carried.



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RESOLUTION

SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT 2020

Resolution No. 2020 - 37

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 details the requirements that must be met in order for a county to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment of the County Highway Superintendent to the NDOT using the Year-End Certification of County Highway Superintendent; and

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of BUTLER County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form.
(Print Name of County)

Adopted this 7TH day of DECEMBER, 2020 at DAVIDLETTY, Nebraska.
(Month)

County Board Members

David W. Mach
Tony Kfir
Max Buehl

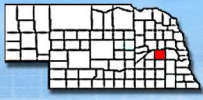
Ant D Bauer
/s/ Greg Janak (via zoom)

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

Attest: Stephanie Gaska
(Signature of Clerk)

Update on Roads

Highway Superintendent, Jim McDonald, updated the board on the roads and road department projects. He said that the tower for Linwood will be ready to put up two weeks from when the concrete was poured on November 25, 2020. He said the bridge deck for the Linwood bridge was poured on December 2nd. He reported that they are still cleaning ditches and replacing culverts. The motor grader operators are working on the washboards on the roads. They are currently stockpiling gravel. The pit is still down; they are working on getting the issues resolved. He still has not heard anything from Polk County regarding the A Road Bridge, so he will be compiling a list of bridges in the county that need to be replaced and asking the board where he should go next. Supervisor Janak asked where they were hauling the gravel from since the pit is down. McDonald said they are hauling from Johnsons right now.



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Discussion

Supervisor Whitmore mentioned that Corey Vandenberg had reached out to Supervisor Steager regarding the generators and the issues that came up during the ice storm a few weeks ago. Vandenberg said that he did not think the quote the county had received was correct. After discussion, the board said it would not hurt to have Vandenberg look at both and give them a quote on fixing the generators. Supervisor Bauer suggested he look at the Detention Center first before the Highway 92 building; that has a higher priority.

Human Resources Update

Heidi Loges, Human Resources Director, updated the board that the new time clock has been installed at the Senior Center. She said that she has a few stragglers regarding getting everyone's fingerprints, however, she is confident we are getting closer to going live with the timeclocks program. She also updated the board regarding the pest control out at the Highway 92 building and she said that she is very happy with their service.

Discussion/Possible Action – Early payment for Roth Aerial Spraying regarding forced control spraying

Max Birkel, Noxious Weed Superintendent, appeared before the board to request that the invoice for forced control spraying be approved to pay early. He said he received the claim in November, but it was after the cutoff date for claims; he does not want to put off paying the claim for a few more weeks. Moved by Bauer and seconded by Whitmore to approve the claim for Roth Aerial Spraying as presented. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Janak, and Mach. The following voted nay: NONE. Abstained: Birkel. Absent: Steager. Motion carried.

Approve & Authorize Chairman to sign/Butler County Noxious Weed Superintendent Annual State Reports

Birkel appeared before the board and presented the Butler County Noxious Weed Superintendent Annual State Reports. Moved by Krafka and seconded by Janak to approve & authorize the chairman to sign the annual reports. Upon roll call vote the following voted aye: Krafka, Janak, Whitmore, Bauer, and Mach. The following voted nay: NONE. Abstained: Birkel. Absent: Steager. Motion carried.

Discussion

Birkel updated the board that in the next week or so the weed shop will be without power for approximately 3 days; as there will be work being done to the grandstand out at the Fairgrounds and his power is on the same line. He has plans to make sure his chemicals and the water lines do not freeze.

Committee Reports

Supervisor Bauer reported that he has been looking into properties in and around Rising City so that the county has options when deciding where they are going to house the equipment they have in that area. He is also working on getting bids for buildings so that the county will have an idea of the investment they will need to prepare regarding housing the equipment. He spoke with one gentleman who is no longer in business and he estimated that a 60 foot by 40 foot building with a 14 foot door and half concreted floor would be approximately \$47,000; that does not include electricity or insulation. Supervisor Whitmore asked if they want to hold off on building until the price of lumber goes down. The consensus was the board should focus on finding a property and then discuss construction.

Correspondence

1. Jail Standards Division – Butler County Jail annual evaluation

There being no further business to come before the board, the Chairman adjourned the meeting at 10:11 a.m. The next scheduled meeting of the Board of Supervisors will be December 21, 2020 at 9:00 a.m.

Stephanie L. Laska
County Clerk

David W. Mach.
Chairman