



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

April 5, 2021

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 5<sup>th</sup> day of April, 2021 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

Present were the following: Scott Steager, Tony Krafka, Anthony Whitmore, David Mach, Robert Coufal and Ryan Svoboda. Absent: Scot Bauer.

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.

### **American Legion requesting permission to use the Court room on Memorial Day, May 31, 2021 from 7:30 a.m. to 9:00 a.m.**

James Daro appeared before the board to request permission to use the Courtroom for the American Legion's Memorial Day Ceremony on May 31, 2021. Concern from Sandy Hoeft, District Court Clerk, was brought to the boards attention about the new updates that were made to the courtroom. The board asked if the American Legion could use the Highway 92 Meeting Room and Daro said that should work. Moved by Mach and seconded by Coufal to allow the American Legion to use the Highway 92 building on Memorial Day, May 31, 2021. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

### **County Clerk monthly fee report**

The County Clerk fee report for the month of March 2021 was accepted and placed on file.

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

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

Moved by Mach and seconded by Coufal to exit the Board of Equalization at 9:12 a.m. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

### **Quarterly Expenditures Report through March 31, 2021**

The quarterly expenditures report through March 31, 2021 was reviewed by the board and placed on file.



# Butler County Board Minutes



## **Consideration/Approval of Resolution 2021 – 06 Authorization for County Attorney to prosecute foreclosure of tax sales certificates 550, 551, 557, 563, and 570**

County Treasurer, Karey Adamy presented Resolution 2021 – 06 for consideration. Moved by Whitmore and seconded by Coufal to approve the resolution as presented. Upon roll call vote the following voted aye: Whitmore, Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

### **BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2021- 06**

**WHEREAS**, the Butler County is the owner and holder of Tax Sale Certificate Numbers 550, 551, 557, 563, and 570 issued by Butler County, Nebraska for all delinquent regular taxes and/or special assessments thereon for the years set forth therein, under the provisions of Neb. Rev. Stat. Sec. 77-1809 (Reissue 2018);

**WHEREAS**, said certificates were sold to Butler County, Nebraska and the Certificates of Tax Sale was issued to Butler County, Nebraska; and

**WHEREAS**, Butler County, Nebraska is entitled to foreclose on the Tax Sale Certificates set forth above.

**NOW THEREFORE, BE IT RESOLVED** by the Butler County Board of Supervisors that the Butler County Attorney is directed to institute and prosecute foreclosure of Tax Sales Certificate Numbers 550, 551, 557, 563, and 570 in accord with the provisions of Article 19, of Chapter 77 of the Nebraska Revised Statutes and other laws governing such procedure, on behalf of Butler County Nebraska and the State of Nebraska and other political subdivisions of the said State and municipal bodies on whose behalf such taxes and subsequent taxes and special assessments on said property were levied in foreclosing such certificate and subsequent special assessments and liens on said real estate.

Dated this 5<sup>th</sup> day of April, 2021

/s/Scott Steager

Scott Steager  
Chairman Butler County Board of Supervisors

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

### **Certification of Public Sale**

County Treasurer, Karey Adamy, presented the Certification of Public Sale that was held on March 1, 2021 to the board. The certification will be placed on file in the Clerk's office.

### **Taxes Not Sold for Want of Bidders**

County Treasurer, Karey Adamy, presented the board with a list of unsold taxes, this report was accepted and placed on file.

### **Authorization to Issue County Certificates**

County Treasurer, Karey Adamy, requested authorization to issue county certificates on unsold taxes. Moved by Mach and seconded by Svoboda to issue county certificates on unsold taxes. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

### **Discussion/Possible Action on Alpha/Numeric plates for 2023 plate series**



# Butler County Board Minutes



County Treasurer, Karey Adamy, reported to the board that they have the option to move from 25 county plates to alpha-numeric plates for the 2023 plate series. She also reported that she consulted with surrounding counties and they do not plan to move to the alpha-numeric plates. The board asked for her recommendation and she said at this time since the surrounding counties are not participating it doesn't make sense to change.

## **Discussion/Possible Action regarding the COVID American Rescue plan and the possible need for amending the budget and/or establishing a fund in the Treasurer's office**

County Treasurer, Karey Adamy, presented before the board that the county will be receiving approximately \$1,500,000 as a result of the American Rescue Plan Act. The first payment will be for half and received in May 2021. The second half will be received no earlier than 12 months after the first payment. She also discussed a letter that was sent out by the State Auditor's office suggesting a new fund be established to track the money in and out. The act states that interest earned on the funds will need to also be spent per the guidelines of the act. Adamy also noted that the budget would not need to be amended unless the board would want to expend any of the funds before the end of the fiscal year. County Clerk, Stephanie Laska, reiterated that fact and told the board that we are waiting on guidance from the U.S. Treasury and NACO to make sure the county spends the money correctly. Adamy noted that the funds need to be expended by December 31, 2024 and any money not spent or spent incorrectly would need to be repaid to the Federal Government. Both Adamy and Laska recommended the board take their time to decide what to spend the funds on. The board said they would like to set up a new fund to track the funds and expenditures and would need to create a committee for the project. A resolution will be drafted before the next meeting to establish the new fund.

## **Discussion/Possible Action - Setting of Hearing to Amend Budget to establish COVID American Rescue Plan Fund**

The board discussed that they needed time to determine how to spend the American Rescue Plan Act funds and would not be expending any of the funds in the current fiscal year ending June 30, 2021. No action was taken.

## **Review of Public Defender current expenditures report through March 31, 2021**

The board reviewed the current expenditures report for the Public Defender Budget and requested to review it again next month. The report was placed on file.

## **Discussion/Possible Action regarding letter from Judge Marroquin regarding Bailiff's Salary & Expenses**

Sandy Hoeft, District Court Clerk, appeared before the board to discuss the increase in the Bailiff's salary and expenses, explaining that the salary and expenses are based off the number of cases in each county and Butler County had 57 more cases in 2020 than in 2019, which increased the percentage of the salary and expenses Butler County was responsible for. Hoeft mentioned that the difference in the salary claim versus what she had budgeted is \$7,122.09; this difference could very well cause her budget to be short this year. The board said they would monitor the expenditures and review again in June.

## **Approval of new postage machine lease through Pitney Bowes**

County Clerk, Stephanie Laska, presented before the board a lease for a new postage machine for the County. The lease on the current machine is ending; the new machine is very similar to the current machine. Moved by Mach and seconded by Krafka to approve the lease as presented. Upon roll call vote the following voted aye: Mach, Whitmore, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## **Approval of Early Payroll for Terminated Employee**

An early payroll claim for former employee, Andrew Yost, was presented before the board. Moved by Mach and seconded by Svoboda to approve the early payroll claim as presented. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: Whitmore. Absent: Bauer. Motion carried.

## **Consideration/Approval of Resolution 2021 – 07 Transfer from 911 Wireless Savings to 911 Wireless**

Resolution 2021 – 07 was presented to the board for their consideration. Moved by Krafka and seconded by Whitmore to approve the resolution as presented. Upon roll call vote the following voted aye: Krafka, Whitmore, Mach, Coufal, Svoboda, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.



# Butler County Board Minutes



**BOARD OF SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2021 – 07**

WHEREAS, in the Butler County Board of Supervisors previously passed Resolution 2019-41 authorizing a transfer of \$10,631.50 from Fund 2913 known as the 911 Wireless Service Fund into Fund 2914 known as the 911 Wireless Service Holding Fund; and

WHEREAS, two transfers of \$10,631.50 were inadvertently made into Fund 2914 from Fund 2913 under Resolution 2019-41; and

WHEREAS, the error was discovered during the annual Butler County Audit performed by the Nebraska State Auditors; and

WHEREAS, the Board of Supervisors intends for this Resolution to reverse the second transfer made under Resolution 2019-41 to correct this error.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Treasurer is hereby directed and authorized to transfer \$10,631.50 from Fund 2914 known as the 911 Wireless Service Holding Fund to Fund 2913 known as the 911 Wireless Service Fund.

Dated this 5<sup>th</sup> day of April, 2021.

/s/Scott Steager  
Scott Steager, Chairman

ATTEST:

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

### **Discussion/Possible Action – Approval of utility permit for Windstream at Roads 36 & I**

Randy Isham, Interim Highway Superintendent, presented before the board a utility permit for Windstream. Moved by Mach and seconded by Coufal to approve the permit as presented. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

### **Discussion/Possible Action – Approval of Fence Bids**

Isham reported to the board that he is still waiting for one bid and was hoping he would have received it before the meeting; however, he did not so he would like to postpone approving the bids until the next meeting. The board said they would review the bids at the April 19, 2021 meeting.

### **Update on Roads**

Isham reported to the board that he has several culverts and a few bridges throughout the county that have become undermined and they are working to repair them as quickly as possible. He is still working with Polk County regarding the culverts and bridge projects. Isham, Whitmore, and Bauer met with the Dairy to discuss road maintenance and conditions; they are hoping this was a step in the right direction to open up the lines of communication so the roads can be maintained when they have large load outs scheduled. Isham was asked about the project on county road 37 between B & C; he stated that the project is going to be very expensive if it does get done. The board asked Isham to look at county road 36 to see if there is anything that can be done about the drainage issues. He said he would take shots of the culverts and try to develop a plan. Isham also reported that he has been contacted by several townships requesting a review of the gravel policy and 44 yards per mile of gravel. The board asked that this be placed on the agenda for the next meeting.





# Butler County Board Minutes



Moved by Mach and seconded by Whitmore to authorize the chairman to sign the Public Transit Funding application. Upon roll call vote the following voted aye: Mach, Whitmore, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## **Notification from the Nebraska Dept of Environment & Energy (NDEE) – Tuls Properties, LLC – Butler County Dairy Concentrated Animal Feeding Operation**

Notification was received from the Nebraska Dept of Environment & Energy (NDEE) – Notice of Application for Major Modification was received regarding the Butler County Dairy Concentrated Animal Feeding Operation located in the Northwest ¼ of Section 3, Township 13 North, Range 1 East, Butler County, Nebraska.

## **Discussion/Possible Action regarding Letter from Village of Shelby**

A letter was received from the Village of Shelby inquiring about county owned property in Shelby, Nebraska. They are requesting to acquire said property and would like to work on a purchase agreement. Moved by Mach and seconded by Svoboda to proceed with the sale of the building and engage with the Village of Shelby on a purchase agreement. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## **Human Resources Update**

Heidi Loges, Human Resources Director, appeared before the board. She informed the board that all of the deputies now have timeclocks installed on their laptops and are able to clock in and out for each shift. She also reported that Mark Doehling and Shane Hiatt have had an app installed on their phones to allow them to clock in and out. The County Attorney's office, the Senior Center and Loges are live with timeclocks and payroll will be completed this month utilizing that information. Loges said there will be interviews for dispatch to fill a vacancy that department has. First round interviews for the Highway Superintendent will be wrapped up today April 5, 2021. Second round will be conducted by a separate committee of supervisors, Whitmore, Coufal, Svoboda and Loges.

## **Discussion/Possible Action regarding the Platte County Highway 30/64 Connector Traffic Study**

Krafka reported that four proposals for the traffic study were presented to the committee.

- |                             |          |
|-----------------------------|----------|
| 1. Jeo Consulting Group     | \$45,000 |
| 2. Iteris                   | \$23,500 |
| 3. HDR, Inc.                | \$34,900 |
| 4. Felsburg, Holt & Ullevig | \$40,775 |

Moved by Mach and seconded by Krafka to have the Butler County Representatives recommend to the committee to hire Iteris for the Platte County Highway 30/64 Connector Traffic Study. Upon roll call vote the following voted aye: Mach, Whitmore, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## **Authorize the Board Chair to sign the audit representation letter**

Moved by Mach and seconded by Svoboda to authorize the board chair to sign the audit representation letter. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## **Discussion**

Whitmore asked what the board should have done regarding the Constructors, Inc. claim that the auditors said should not have been paid. County Attorney, Julie Reiter, said they should not have paid it and let it go to litigation. It was Constructors' burden to prove the claim should have been paid and without an approved change order, they likely would not have had to pay the fee.

## **Executive Session – Filed NEOC Charge**

Moved by Whitmore and seconded by Coufal to enter executive session at 11:28 a.m. to discuss a filed NEOC charge and invite County Attorney, Julie Reiter. Upon roll call vote the following voted aye: Whitmore, Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.



# Butler County Board Minutes



Moved by Whitmore and seconded by Coufal to exit the executive session at 11:34 a.m. Upon roll call vote the following voted aye: Whitmore, Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## Correspondence

1. Blue Valley Community Action Agenda for March 16, 2021
2. Tom Shoemaker, Pinpoint Communication – Email regarding expanding fiber connectivity

## Committee Reports

Steager reported on the Butler County Community Development Board – received final draft of the Hotel feasibility study. There are 4-5 interested companies to put up a 50-room motel/hotel.

Svoboda will be meeting with Region V this week.

Steager and Coufal reported that the Hospital is interested in selling the Shelby Clinic to the Village of Shelby and the hospital is also renovating more of their patient rooms.

## Executive Session – Courthouse Security Procedures

Moved by Krafka and seconded by Whitmore to enter executive session at 11:41 a.m. to discuss Courthouse security procedures and inviting all elected officials. Present elected officials were County Treasurer, Karey Adamy, Sheriff, Tom Dion, County Attorney, Julie Reiter and County Clerk, Stephanie Laska. Upon roll call vote the following voted aye: Krafka, Whitmore, Mach, Coufal, Svoboda, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

Moved by Whitmore and seconded by Mach to exit the executive session at 12:24 p.m. Upon roll call vote the following voted aye: Whitmore, Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: NONE. Absent: Bauer. Motion carried.

## Discussion

County Attorney, Julie Reiter, updated the board that the Courtroom Renovations have been completed and that at the May 17, 2021 meeting they will be getting a demonstration of how the equipment works.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:27 p.m. The next scheduled meeting of the Board of Supervisors will be April 19, 2021 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

Scott Steager  
Chairman