

Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

February 4, 2019

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 4th day of February, 2019 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, Max Birkel, Scott Steager, Greg Janak, and Anthony Whitmore.

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 meetings (January 22, 2019 and January 30, 2019) shall stand approved as presented.

Road Department/Permits to Construct Utilities on County Right-of-Way

A permit to construct utilities on county right-of-way was submitted by Jesse Hough, HKO Land and Cattle Company & Hough Farms to install an encasement pipe for drain tile between Section 11 and Section 14, Township 16 North, Range 1 East. Moved by Krafka, seconded by Janak to approve the permit as presented. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Birkel, Whitmore, Bauer, and Mach. The following voted nay: None. Motion carried.

A permit to construct utilities on county right-of-way was submitted by Jesse Hough, HKO Land and Cattle Company & Hough Farms to install a tile outlet in Section 11, Township 16 North, Range 1 East. Moved by Steager, seconded by Janak to approve the permit 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.

Committee and Liaison Appointments for 2019

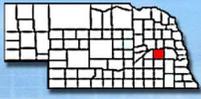
A listing of the Committee and Liaison appointments for 2019 was presented to the board members. Moved by Bauer, seconded by Steager to approve the committee and liaison appointments. Upon roll call vote the following voted aye: Bauer, Krafka, Steager, Janak, Birkel, Whitmore, and Mach. The following voted nay: None. Motion carried.

Approve Sale of Plat Books

The County Clerk's office has plat books available for sale. During the FYE2018 audit it was suggested, by the auditors, that the board approve the sale of plat books by the County Clerk. Moved by Janak, seconded by Birkel to approve the sale of plat books at cost plus applicable sales tax. Upon roll call vote the following voted aye: Janak, Birkel, Whitmore, Bauer, Krafka, Steager, and Mach. The following voted nay: None. Motion carried.

Resolution 2019-06/Transfer of Funds from General Fund to Register of Deeds Preservation and Modernization Fund

Resolution 2019-06 was presented for the board's consideration. Moved by Whitmore, seconded by Bauer to approve and adopt Resolution 2019-06 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.



Butler County Board Minutes



**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019 - 06**

WHEREAS, the County Clerk fees for the month of October 2017 were remitted to the County Treasurer on November 3, 2017,

WHEREAS, fees in the amount of \$349.50 were received to the General Fund, and should have been received to the Register of Deeds Preservation and Modernization Fund.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$349.50 to the Register of Deeds Preservation and Modernization Fund from the General Fund.

Dated this 4th day of February, 2019.

/s/ David W. Mach

David W. Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa

Vicki L. Truksa, County Clerk

Bids/Belly Dump Trailer

Public Notice for the receipt of sealed bids for the purchase of one (1) new 22 cy min. belly dump trailer was advertised in The Banner-Press. The following sealed bids were publicly opened:

- | | |
|---|-------------|
| 1. Jim Hawk Truck Trailers, Inc./Council Bluffs, IA | \$46,528.00 |
| 2. Charles Blass Welding LLC/Early, IA | \$48,000.00 |

Action on these bids will be taken during the February 19, 2019 meeting.

Feasibility of Paving E Road from Highway 92 north to the village limits of Rising City

Supervisor Bauer explained that he had been contacted about the feasibility of paving E Road on the east side of Rising City. It was discussed that there would need to be traffic counts taken on this road, and information on a cost of the project.

Public Hearing/One and Six Year Road Plan

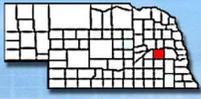
Moved by Janak, seconded by Steager to open the public hearing for the One and Six Year Road Plan at 9:30 a.m. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Bauer, Whitmore, Birkel, and Mach. The following voted nay: None. Motion carried.

Jim McDonald, Highway Superintendent reviewed for the board, the two projects that were completed from the One Year plan which runs through June 30, 2019, road maintenance projects completed, culvert installations, and gravel delivered. Also, he presented a listing of the projects that are included in the 2019-2020 One Year Plan and a listing of the projects that are included in the 2019-2020 Six Year Plan.

It was consensus of the board that the paving project on the east side of Rising City, and the paving project on the north side of Ulysses by the fire department building be added to the Six Year Plan.

Moved by Janak, seconded by Steager to close the public hearing at 9:58 a.m. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Bauer, Whitmore, Birkel, and Mach. The following voted nay: None. Motion carried.

Resolution 2019-05/Approval of One and Six Year Road Plan



Butler County Board Minutes



Resolution 2019-05 was presented for the board's consideration. Moved by Bauer, seconded by Whitmore to approve and adopt Resolution 2019-05 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.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2019-05
One and Six Year Road Plan**

WHEREAS, Section 39-2115 and Section 39-2119, 1969 Revised Statutes of Nebraska, 1943, require that each County and Municipality prepare a One and Six Year, specific road or street improvement plan, and to file same with State Highway Commission on or Before March 1, 2019 and

WHEREAS, the Chairman and Board of Supervisors of Butler County, State of Nebraska, in compliance with the statutes and regulations of the State Highway Commission, did hold a public hearing on the proposed One and Six Year road improvement plans in the Butler County Courthouse on February 4, 2019, in accordance with the "Notice of Public Hearing", a certified copy of such notice is attached, and

WHEREAS, there were no objections filed or amendments made to the One and Six Year plan on file with the County Clerk and presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors does hereby approve said One and Six Year Plan, as filed with the County Clerk, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Chairman of the Butler County Board of Supervisors is authorized to sign this resolution on behalf of the County Board and the County Board hereby approves the proposed One and Six Year Plan.

PASSED AND APPROVED this 4th day of February, 2019.

/s/ David W. Mach
Dave Mach, Chairman

ATTEST:

/s/ Vicki L. Truksa
Vicki L. Truksa, County Clerk

Supervisor Steager was excused at 10:00 a.m.

Discussion/Road Department

Jim McDonald, Highway Superintendent reported to the board that Jim Novacek had completed 73 bridge inspections, and that the inspection reports are available for their review.

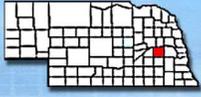
Moved by Bauer, seconded by Birkel to enter Board of Equalization. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Janak, Krafka, and Mach. The following voted nay: None. Absent: Steager. Motion carried.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Appointment of Alternate on Blue Valley Community Action Board of Directors

Moved by Janak, seconded by Krafka to appoint Dave Mach as the alternate on the Blue Valley Community Action Board of Directors. Upon roll call vote the following voted aye: Janak, Krafka, Bauer, Whitmore, Birkel, and Mach. The following voted nay: None. Absent: Steager. Motion carried.

At 10:30 a.m., Chairman Mach announced that the Board would take a short recess.



Butler County Board Minutes



At 10:37 a.m., Chairman Mach announced that the Board would reconvene.

Applied Connective Technologies/Review of Services

Ed Knott and Travis Kassing from Applied Connective Technologies appeared before the board to give an overview of the projects that have been completed: installation of fiber optic for internet service, cleanup of the IT closets, survey of internet access for the time and attendance program.

Discussion followed as to the internet service in the courtroom, and video conferencing for court hearings. Applied Connective Technologies will be working on the internet service issue in the courtroom, which may also aid with video conferencing for court hearings.

Supervisor Birkel was excused at 10:55 a.m.

Billing for Culvert Installation

Jim Daro, representing the Village of Garrison appeared before the board to question the bill that was received from the Highway Department for installing a culvert. It was explained that the billing was for the culvert, not for the installation. There was a question about the amount that was charged for the culvert. It was the consensus of the board that the bill needs to be reviewed by the Highway Department and possibly re-calculated.

Wind Turbines & Infrasound Low Frequency Noise

Dan Schmid appeared before the board to present information on the health dangers of infrasound low frequency noise produced by wind turbines, and distributed a copy of Paradise Destroyed - The Destruction of Rural Living by the Wind Energy Scam by Gregg Hubner to each member of the board. Also, he spoke of Legislative Bill 373 that was recently introduced that pertains to wind turbines.

Supervisor Steager returned to the meeting at 11:15 a.m.

Executive Session/Pending Notice of NIRMA Claim

Moved by Whitmore, seconded by Bauer to enter Executive Session at 11:20 a.m. for the purpose of pending notice of NIRMA claim. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Steager, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Moved by Janak, seconded by Steager to exit Executive Session at 11:30 a.m. Upon roll call vote the following voted aye: Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Approval of Township Official Bond and Oath

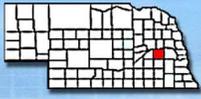
The Public Official Bond and Oath for Kevin Siffring, Reading Township Board was presented for the board's approval. Moved by Steager, seconded by Bauer to approve the bond and oath. Upon roll call vote the following voted aye: Steager, Krafka, Bauer, Whitmore, Janak, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Approval of Township Official Continuation Certificates

Bond Continuation Certificates for the following township board members were presented for the board's approval; Nicholas R. Prochaska, Ronald M. Papa, Michael G. DeWispelare, Jerry Hoelscher, and Mark W. Shonka. Moved by Bauer, seconded by Krafka to approve the continuation certificates. Upon roll call vote the following voted aye: Bauer, Krafka, Steager, Janak, Whitmore, and Mach. The following voted nay: None. Absent: Birkel. Motion carried.

Supervisor Birkel arrived at 11:40 a.m.

Butler County Visitors Committee/Recommendation of Funding Request



Butler County Board Minutes



On December 17, 2018 the Butler County Visitors Committee met and reviewed a Request for Funds that had been submitted by the Butler County Senior Services. The Butler County Senior Services is requesting \$1,200.00 from the Butler County Visitors Improvement Fund to assist with the cost of installing a sign on the east side of the building. The Visitors Committee is recommending \$600.00 to the Butler County Senior Services. Moved by Krafka, seconded by Janak to approve \$600.00 as recommended. Upon roll call vote the following voted aye: Krafka, Steager, Janak, Whitmore, Bauer, and Mach. The following voted nay: None. Abstaining: Birkel. Motion carried.

Resolution 2019-07/Appointment of Butler County Extension Board Members

Resolution 2019-07 was presented for the board's consideration. Moved by Birkel, seconded by Steager to approve and adopt Resolution 2019-07 as presented. Upon roll call vote the following voted aye: Birkel, Janak, Steager, Krafka, Bauer, Whitmore, and Mach. The following voted nay: None. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2019-07

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 Amy Slama has applied and been recommended to fill the open position on the Extension Board, then

Be it resolved, the Butler County Board of Supervisors appoint Amy Slama 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 4th day of February, 2019, in David City, Nebraska.

/s/ David W. Mach

David W. Mach, Chairman
Butler County Board of Supervisors

ATTEST:

/s/ Vicki L. Truksa

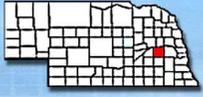
Vicki L. Truksa, County Clerk

Lease of County Owned Real Estate in Linwood Township

Butler County owns a tract of land in Section 35, Township 16 North, Range 4 East, which is currently leased to Kastl Brothers. Moved by Bauer, seconded by Whitmore to renew the lease for 1 year, rent amount to be \$382.68. Upon roll call vote the following voted aye: Bauer, Whitmore, Birkel, Janak, Steager, Krafka, and Mach. The following voted nay: None. Motion carried.

Clerk of the District Court Monthly Fee Report

The Clerk of the District Court monthly fee report for the month of January, 2019 was accepted and placed on file.



Butler County Board Minutes



County Clerk Monthly Fee Report

The County Clerk monthly fee report for the month of January, 2019 was accepted and placed on file.

Claims

General Fund---

911 Custom \$800.00

Moved by Krafka, seconded by Whitmore to approve for payment the claim as presented. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Birkel, Janak, Steager, and Mach. The following voted nay: None. Motion carried.

Executive Session/Landfill Host Agreement Negotiations

Moved by Steager, seconded by Birkel to enter Executive Session at 12:05 p.m. for the purpose of Landfill Host Agreement negotiations. Upon roll call vote the following voted aye: Steager, Janak, Birkel, Whitmore, Bauer, Krafka, and Mach. The following voted nay: None. Motion carried.

Moved by Birkel, seconded by Steager to exit Executive Session at 12:15 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.

Committee Reports

Supervisor Steager and Supervisor Bauer reported that they had attended the Butler County Development meeting. Discussed at the meeting was the recruitment of new businesses to the area.

Correspondence

Correspondence for the board was received from the following:

1. Nebraska Department of Transportation/information on a proposed transportation improvement project on US Highway 81
2. Southeast Nebraska Area Health Education Center/Butler County Health Care Center is hosting a third-year medical student for her rural family medicine rotation
3. McGrath North Attorneys/adjusted billing rates starting February 2019
4. Blue Valley Behavioral Health/semi-annual report on number of clients

Discussion

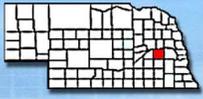
Supervisor Bauer was contacted by an individual that questioned why their motor vehicle renewal statements are being received individually. In checking with the County Treasurer's office, the renewal statements are mailed directly from the Department of Motor Vehicles, and the only way that the statements are combined is if the name and address match exactly.

Supervisor Krafka was questioned by an employee, if there could be additional hours of vacation earned for employees who have been employed by the County over 14 years. The Employee Handbook caps the vacation leave for employees who are employed at least 14 years earning 150 hours. It was the consensus of the board to keep vacation leave as is stated in the handbook.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:35 p.m.

Vicki L. Truksa
County Clerk

David W. Mach
Chairman



Butler County Board Minutes

