



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

April 24, 2019

A special meeting of the Board of Supervisors of Butler County, Nebraska was held on the 24<sup>th</sup> day of April, 2019 at the David City Auditorium, 699 Kansas Street, David City, Nebraska at 1:00 p.m.

Present were the following: David W. Mach, Tony Krafka, Scot D. Bauer, Max Birkel, Scott Steager, Greg Janak, and Anthony Whitmore.

Notice of the special 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 special 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 special meeting. All proceedings hereafter shown were taken while the convened special meeting was open to the attendance of the public.

The pledge of allegiance was recited by all in attendance.

The Chairman called the meeting to order, and announced that a complete copy of the Open Meetings Act is on the table at the west side of the Auditorium.

### ***Appointment of Special Meeting Officer***

Moved by Janak, seconded by Whitmore to appoint Julie Reiter as the Special Meeting Officer. Upon roll call vote the following voted aye: Janak, Whitmore, Krafka, Bauer, Birkel, Steager, and Mach. The following voted nay: None. Motion carried.

### ***Discussion on the Butler County Landfill, Inc. Local Siting Approval Application***

On October 30, 2018 the Butler County Landfill, Inc. filed a Local Siting Approval Application with the County. An applicant for siting approval shall submit information to the county board to demonstrate compliance with the six criteria set forth in Neb. Rev. Stat. Sec. 13-1703. Discussion was held regarding all six criteria set forth in statute.

#### **Criteria (1)**

The solid waste disposal area or solid waste processing facility is necessary to accommodate the solid waste management needs of the area which the solid waste disposal area or solid waste processing facility is intended to serve

Following discussion on Criteria (1), the Special Meeting Officer polled each county board member asking, if they felt Criteria (1) had been met. Bauer, no; Whitmore, no; Mach, no; Janak, no; Birkel, yes; Krafka, yes; Steager, yes.

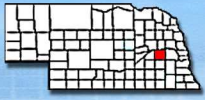
#### **Criteria (2)**

The solid waste disposal area or solid waste processing facility is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected. The applicant shall provide an evaluation of the potential for adverse health effects that could result from exposure to pollution, in any form, due to the proper or improper construction, operation, or closure of the proposed solid waste disposal area or solid waste processing facility

Following discussion on Criteria (2), the Special Meeting Officer polled each county board member asking, if they felt Criteria (2) had been met. Steager, yes; Krafka, yes; Birkel, no; Janak, no; Mach, no; Whitmore, no; Bauer, no.

#### **Criteria (3)**

The solid waste disposal area or solid waste processing facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The city council,



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village board, or county board shall consider the advice of the appropriate planning commission regarding the application

Following discussion on Criteria (3), the Special Meeting Officer polled each county board member asking, if they felt Criteria (3) had been met. Whitmore, yes; Mach, yes; Janak, yes; Birkel, yes; Krafka, yes; Steager, yes; Bauer, yes.

## Criteria (4)

The plan of operations for the solid waste disposal area or solid waste processing facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents

Following discussion on Criteria (4), the Special Meeting Officer polled each county board member asking, if they felt Criteria (4) had been met. Janak, yes; Birkel, yes; Krafka, yes; Steager, yes; Bauer, yes; Whitmore, yes; Mach, no.

## Criteria (5)

The traffic patterns to or from the solid waste disposal area or solid waste processing facility are designed to minimize the impact on existing traffic flows

Following discussion on Criteria (5), the Special Meeting Officer polled each county board member asking, if they felt Criteria (5) had been met. Birkel, yes; Krafka, yes; Steager, yes; Bauer, no; Whitmore, yes; Mach, no; Janak, no.

## Criteria (6)

Information regarding the previous operating experience of a private agency applicant and its subsidiaries or parent corporation in the area of solid waste management or related activities are made available to the city council, village board, or county boards. If a corporation, a parent company or subsidiary thereof, or any officer or board member of the corporation or the parent company or subsidiary applying for approval has been convicted of a felony within ten years of the date the application is filed, site approval shall not be granted

Following discussion on Criteria (6), the Special Meeting Officer polled each county board member asking, if they felt Criteria (6) had been met. Krafka, yes; Steager, yes; Bauer, yes; Whitmore, yes; Mach, yes; Janak, yes; Birkel, yes.

The Special Meeting Officer asked if there were any additional comments or discussion regarding any of the six criteria.

No additional comments were given.

Moved by Whitmore, seconded by Mach to deny the siting application for Butler County Landfill due to not meeting Criteria 1 and 2, by the majority of the board, as set forth in State Statute 13-1703. Upon roll call vote the following voted aye: Whitmore, Mach, Bauer, Birkel, and Janak. The following voted nay: Krafka and Steager. Motion carried.

Julie Reiter, Special Meeting Officer called for a recess at 2:32 p.m., explaining that counsel would be preparing a resolution for the board's consideration. The Special Meeting Officer reconvened the meeting at 3:35 p.m.

The board was presented with the document entitled Decision Regarding Siting Approval.

Moved by Mach, seconded by Birkel to accept the written Decision Regarding Siting Approval and Exhibit B, to be supplemented with the transcript and attached as Exhibit A. Upon roll call vote the following voted aye: Mach, Birkel, Steager, Krafka, Janak, Whitmore and Bauer. The following voted nay: None. Motion carried.

Moved by Whitmore, seconded by Janak to adjourn the meeting at 3:42 p.m. Upon roll call vote the following voted aye: Whitmore, Janak, Steager, Krafka, Birkel, Bauer, and Mach. The following voted nay: None. Motion carried.



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County Clerk

Chairman