



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

March 1, 2021

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 1<sup>st</sup> day of March, 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, Scot Bauer, David Mach, Robert Coufal and Ryan Svoboda.

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.

### **Floodplain Administrator – Update**

Breann Whitmore, Floodplain Administrator, presented before the board that she has issued one permit so far in 2021. She has 6 hours of training completed and is unsure if her out of state training that was approved last year will ever be rescheduled. She asked the board with whom she should speak to at the Roads department about culvert permits. The board told her to speak with Jim Novacek. She updated the board regarding the Platte River flooding and that they are keeping an eye on it.

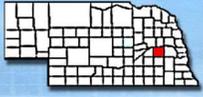
### **Discussion/Approval - Lease of County owned real estate in Linwood Township**

The board currently has a lease agreement with the Kastl Brothers for a parcel of ground in Linwood Township. The county stores concrete on a portion, however, there is ground that they farm. In the past the board has leased for the taxes due which for this year are \$352.24. Moved by Mach and seconded by Whitmore to approve the lease of county owned real estate in Linwood Township as presented. Upon roll call vote the following voted aye: Mach, Whitmore, Bauer, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Motion carried.

### **Human Resources Update**

Heidi Loges, Human Resources Director, presented before the board that time and attendance is going live in a few offices today. She informed the board that CPR training is being set up for the courthouse employees. She said she had been asked how the training would be paid for, will it come out of individual budgets? The board noted that the Roads Dept, Sheriff and Detention pay for it out of their budgets, so the offices can pay for it out of theirs. Randy Isham said that it might be something that NIRMA would reimburse through their Assist program; he said he would ask Jordan Jisa to look into it. Loges was asked about the Highway Superintendent position and if interviews have been started? She said she needed to meet with the Road & Bridge Committee to discuss the applicants. She said there are 5 or 6 applicants, and one is licensed. It was discussed whether the board should do the interviews or if there should be a committee setup, they asked Loges' opinion. Loges said she thought a committee would be best. They decided the Road & Bridge committee along with Loges will do the interviews.

### **Discussion/Possible action – Fence bids for Highway Department Yards**



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Randy Isham, Interim Highway department head, appeared before the board to present bids for the fence around the Hwy 92 building. He had two bids for barbwire, one for \$4,756 and one for \$6,280. He said the chain link fence portion for both bids was around \$20,000. He requested from the board the chance to rebid the entire project. He said that the gate that they are required to install is only 4 feet tall and was curious why they would need a 6-foot-tall fence around the property. He said that would cut the quote a lot and that he could even look at chain link fence around the entire property as an option. He would also meet with the Sheriff regarding his needs for a fence for an impound. The board agreed he could re-bid the project.

## **Discussion/Possible action – Approval of Franklin Township Agreement for sale of building**

An agreement to buy the 30' x 50' Astro building for \$10,000 from Franklin Township at the old county yards was presented before the board. Moved by Krafka and seconded by Svoboda to approve the agreement presented before them. Upon roll call vote the following voted aye: Krafka, Svoboda, Coufal, Mach, Whitmore, Bauer, and Steager. The following voted nay: NONE. Motion carried.

## **Update on Roads**

Isham updated the board on the roads, he said that the frost is coming out of the ground and they have had to gravel a few areas as a result. He said that there has not been any significant flooding on the county roads due to the Platte River ice jam. Whitmore asked if Plum Creek Township had gotten a hold of him because of water over the road in the area of Road 26 and Road Q. Isham said no, but he would go out and take a look at it. Steager asked what progress they have made at the old county yard regarding clean up. Isham said a gas leak was discovered and it was not able to get repaired until this week, so they have not been there. Isham said he would assign a couple guys to the yard to finish the cleanup. The board asked County Attorney, Julie Reiter, if she was able to get a hold of Ingalls Appraisals; she said to date she had not heard back from them, but she would reach out again.

## **Discussion**

County Attorney, Julie Reiter, informed the board that she had researched the transfer between political subdivisions and the county board can vote to transfer property to another political subdivision. There must be a notice of intent to sell to another political subdivision published 30 days before the sale. Reiter cited Neb. Rev. Stat. section 23-107.01 and advised that the board must comply therewith.

## **Applied Connective Premium Support Services managed remote and maintenance agreement**

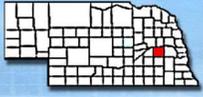
Presented before the board was a contract for the phone system maintenance agreement. The agreement was included in the first year of service for the phone system. The additional cost for the maintenance agreement would be \$210 per month. The board asked whether or not the increased cost is worth it and asked how much the hourly rate would be if we had issues. County Clerk, Stephanie Laska, said she was unsure of the hourly rates and asked if the board would like to speak with Applied Connective directly about this maintenance agreement. They said they would and to put in on the agenda for the next meeting.

## **Request for a deputy to travel out of state for D.A.R.E. training**

Sheriff Tom Dion appeared before the board to request that Deputy Marla Schnell be allowed to travel to Iowa April 18<sup>th</sup> through the 29<sup>th</sup> for D.A.R.E. training so that she can become an instructor. Moved by Mach and seconded by Coufal to allow Deputy Schnell to travel to Iowa for D.A.R.E. training April 18<sup>th</sup> through the 29<sup>th</sup>. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Whitmore, Bauer, and Steager. The following voted nay: NONE. Motion carried.

## **Committee Reports**

The handbook committee will be meeting Wednesday, March 3, 2021 at 9:30 a.m. The Law enforcement committee will be meeting Thursday March 4, 2021 at 6:30 a.m.



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## **Discussion**

Whitmore said that he was contacted and asked about ethanol waste and would it be transported to the Butler County Landfill. Reiter mentioned that it would be up to the Nebraska Department of Environment & Energy if they can receive the waste product.

Svoboda informed the board that a landfill representative will be contacting each of the board members to discuss the landfill expansion and to see what each board members stance is on an expansion. He was told that if an expansion is not granted then the trash rates will double, and the landfill will become a transfer station. He was also told that they are still wanting to pave the road.

Svoboda asked if there was a way to send out a survey to the public so that they may voice their opinion. It was mentioned that they had several townhalls during the last round and people both for and against the expansion appeared before the board.

At 9:59 a.m. the chairman declared the board would take a quick break.

At 10:02 a.m. the board reconvened.

## **Presentation of the Seward & Butler County Comprehensive Juvenile Services Community Plan July 1, 2021 through June 30, 2025**

Megan Kahler, Executive Director of Seward County Bridges, presented before the board the Seward and Butler County Comprehensive Juvenile Services Community plan for the next four years. A copy of the plan will be on file in the clerk's office.

## **Approval for the chairman to sign off on the plan as presented**

Moved by Mach and seconded by Whitmore to approve the chairman to sign off on the plan as presented. Upon roll call vote the following voted aye: Mach, Whitmore, Bauer, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Motion carried.

## **Discussion**

Whitmore asked Svoboda in his conversation with landfill representatives if they had said whether or not they will accept the ethanol waste? Svoboda said that they have never given him a definitive answer.

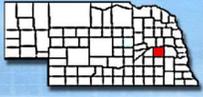
## **Committee Reports**

Steager reported that the Butler County Development board met last Friday, February 26 and at the next meeting they will be reviewing the results of the hotel feasibility study. He also mentioned that there is an opening on the board for the general public if anyone is interested.

## **Discussion/Possible action regarding potential bond refinance for the Event Center**

Mandi Topil, Butler Count Ag Society, appeared before the board to discuss the possibility of refinancing the bond for the event center. The Ag Society was approached by Ameritus and said that they could be looking at a savings of approximately 8% or approximately \$100,000. She asked if the board would want them to go out for bids for the project to see if there were better rates elsewhere. Moved by Mach and seconded by Coufal to have the Ag Society seek bids for refinancing. Upon roll call vote the following voted aye: Mach, Coufal, Svoboda, Krafka, Bauer, Whitmore, and Steager. The following voted nay: NONE.

## **Executive session – Possible litigation**



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Moved by Bauer and seconded by Mach to enter into executive session to discuss possible litigation and inviting County Attorney Julie Reiter and Human Resources Director Heidi Loges at 10:17 a.m. Upon roll call vote the following voted aye: Bauer, Whitmore, Mach, Coufal, Svoboda, Krafka, and Steager. The following voted nay: NONE. Motion carried.

Moved by Whitmore and seconded by Bauer to recess the executive session at 10:33 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Svoboda, Coufal, Mach, and Steager. The following voted nay: NONE. Motion carried.

## **Discussion/Possible Action regarding Butler County becoming a 2nd Amendment Sanctuary**

Members from the public were present to discuss the possibility of Butler County becoming a 2nd Amendment Sanctuary County. Greg Sabata spoke to the board stating that we are one executive order away from more gun laws. He said he feels very strongly about gun rights and that we need to make a statement that Butler County is in support of the 2nd Amendment. Gunslingers LLC owner, Zachery Tate, was present and said that he is all for the idea and does not want more rules regarding guns, however, he questions whether this would have the full support of the sheriff and if the county becomes a sanctuary what implications does it have for law enforcement? The board had several resolutions from other counties as examples. County Attorney, Julie Reiter, cautioned the board regarding the last paragraph of many of the resolutions regarding the Sheriff. He has taken an oath to uphold the State and Federal Constitution and lawmakers can interpret the constitutions differently and a county board should not appear that it is encouraging a Sheriff to not enforce laws.

Discussion continued regarding the resolution that supports the 2nd amendment. Brad Smith questioned the board regarding the authority of this resolution and whether it would change anything. The board said they don't have the authority to change the law. It was asked, if the resolution were passed where would it be available and could a copy of it be sent to senators. The Resolution would be on file in the County Clerk's office and copies could be sent to the senators. It was also questioned whether or not the case law was needed in the resolution. Reiter said she would review the cases cited. The board concluded that they would like to draft a resolution in support of the 2nd Amendment, exempting the last paragraph of the samples provided, and they would like to adopt it at the next meeting. The minutes of the next meeting will reflect the boards support of the 2nd amendment as well as include a copy of the resolution for public viewing.

## **Consideration and Adoption of Resolution 2021-04 Alteration of Legal Description for Butler County Road S**

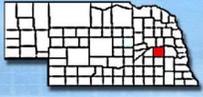
County Surveyor, Brian Foral, appeared before the board to discuss the need to correct the legal description for County Road S in the Northwest Quarter of Section 31, Township 16 North, Range 4 East and the Northeast Quarter of Section 36, Township 16, Range 3 East. Moved by Whitmore and seconded by Bauer to approve Resolution 2021 – 04 as presented. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Svoboda, Coufal, Mach, and Steager. The following voted nay: NONE. Motion carried.

### **BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2021- 04**

#### **ALTERATION OF LEGAL DESCRIPTION FOR BUTLER COUNTY ROAD S**

WHEREAS, pursuant to Neb. Rev. Stat. §§ 39-1704 through 39-1707 provides for the alteration and correction of plats for county roads; and

WHEREAS, the Butler County Board of Supervisors previously passed Resolution No. 2014-03 which approved a legal description for a portion of Butler County Road S in the Northwest Quarter of Section 31, Township 16 North, Range 4, and the Northeast Quarter of Section 36, Township 16, Range 3, all in Butler County, Nebraska at the request of both adjacent land owners; and



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WHEREAS, it was discovered that the legal description approved by the Board of Supervisors in Resolution No. 2014-03 contained certain errors and is defective; and

WHEREAS, the Butler County Surveyor has resurveyed the portion of Butler County Road S in the Northwest Quarter of Section 31, Township 16 North, Range 4, and the Northeast Quarter of Section 36, Township 16, Range 3, all in Butler County, Nebraska and has marked that portion of County Road S as it currently exists and existed in the past and has determined the correct legal description for that portion of County Road S which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Supervisors of Butler County, Nebraska, that Resolution No. 2014-03 is hereby repealed and the attached legal description is hereby adopted and approved for the portion of County Road S right of way located in the Northwest Quarter of Section 31, Township 16 North, Range 4, and the Northeast Quarter of Section 36, Township 16, Range 3, all in Butler County, Nebraska. Pursuant to Neb. Rev. Stat. § 39-1707 a correct plat of the road, together with the field notes of the surveyor, shall be filed in the office of the county surveyor.

Dated this 1st day of March, at the Butler County Courthouse, David City, Nebraska.

Supervisor Whitmore moved and  
Supervisor Bauer seconded the motion to approve and adopt the aforestated resolution.

Motion: Carried

/s/Scott Steager  
Scott Steager, Chairman Butler County Board of Supervisors

ATTEST:

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

At 11:16 a.m. the chairman declared the board would take a quick break.

At 11:24 a.m. the board reconvened.

### **Executive session – Possible litigation**

Moved by Whitmore and seconded by Coufal to resume the previously recessed executive session at 11:25 a.m. Upon roll call vote the following voted aye: Whitmore, Mach, Coufal, Svoboda, Krafka, Bauer, and Steager. The following voted nay: NONE. Motion carried.

Moved by Mach and seconded by Whitmore to exit the executive session at 12:40 p.m. Upon roll call vote the following voted aye: Mach, Whitmore, Bauer, Krafka, Svoboda, Coufal, and Steager. The following voted nay: NONE. Motion carried.

The chairman declared no action will be taken.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:41 p.m. The next scheduled meeting of the Board of Supervisors will be March 15, 2021 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

Scott Steager  
Chairman