



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

August 2, 2021

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 2nd day of August, 2021 at the Butler County Courthouse Supervisors Meeting Room in David City, Nebraska at 9:00 a.m.

Present were the following: Anthony Whitmore, Tony Krafka, Scot Bauer, David Mach, Jan Sypal, 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.

Appoint a Permanent Chairman for the rest of 2021

Temporary Chairman David Mach called for nominations for Chairman for the rest of 2021. Supervisor Bauer and Supervisor Coufal nominated Anthony Whitmore for board Chairman. Tony Krafka nominated David Mach. Mach asked for further nominations. None were given, nominations ceased. After secret ballot was taken, the votes were tallied, and Anthony Whitmore was declared the Permanent Chairman for the Board of Supervisors for the rest of 2021.

Moved by Bauer and seconded by Mach to destroy the secret ballots. Upon roll call vote the following voted aye: Bauer, Mach, Sypal, Coufal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

Sheriff Monthly Report

Alexis Buresh, Sheriff's Office manager presented the Monthly Sheriff Report for July 2021, the report was accepted and placed on file.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

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

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

Distress Warrants Corrected Report

Sheriff Tom Dion presented before the board a corrected distress warrant report, the original had a mathematical error. Moved by Krafka and seconded by Mach to accept the corrected report and place it on file. Upon roll call vote the following voted aye: Krafka, Bauer, Mach, Sypal, Coufal, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion/Possible Action regarding gravel on the county roads



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Jim Rerucha presented before the board an alternative to the current gravel policy. He explained to the board that mail route miles and non-mail route miles may not be the direction the county wants to continue with their gravel policy. He explained that there are several non-mail route miles that are higher traffic and do not receive the gravel needed to keep the road safe. He suggested a higher traffic vs lower traffic plan. The solution will not happen over night and the board agreed they should speak to each township regarding this proposed plan before anything can be changed.

Discussion/Possible action regarding the trailer bid

Randy Isham, Highway Superintendent, presented before the board that he would like to rebid the trailer and hopefully get additional interest other than the one bid they currently received. He was able to inquire about the trailer, however, he would like more options to choose from. Moved by Krafka and seconded by Bauer to reject the bid received for the trailer. Upon roll call vote the following voted aye: Krafka, Bauer, Mach, Sypal, Coufal, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

Moved by Svoboda and seconded by Coufal to reopen the bids for the trailer, the bids will be opened on September 7, 2021, at 9:30 a.m. Upon roll call vote the following voted aye: Svoboda, Coufal, Sypal, Mach, Bauer, Krafka, and Whitmore. The following voted nay: NONE.

Roads Update

Isham reported that the project with Polk County to replace the bridge with dual culverts is complete. They also were able to address the NRD road dam and get it lowered to the original height. They've also been working on replacing culverts throughout the county. Isham was asked if the fence was done around the county yards and about getting locks for the gates. He said they should have the locks this week sometime; they hadn't had a chance to get the locks installed yet.

Discussion/Possible Action regarding a culvert on Road 6 and Elm Street in Linwood

Deb Johnson, Village of Linwood, appeared before the board to discuss drainage issues and the replacement of a culvert that she believes to be partially Linwood's responsibility and partially the County's responsibility. Isham suggested that a drainage ditch could be dug to divert the water before the culvert. He said he would meet with Deb in Linwood, to help find a possible solution.

Discussion/Possible Action regarding a reduced speed sign ahead on 12A Spur

Johnson informed the board she had been in contact with the State and this issue has been resolved.

Discussion/Possible Action – Department of Health & Human Services request to park state vehicle on County Property

Ashley Mittleider, Child Care Inspection Specialist with DHHS, appeared before the board to request permission to park her state provided vehicle on County property. Moved by Coufal and seconded by Mach to allow Mittleider to park her state assigned vehicle in the South Parking Lot of the County Courthouse. Upon roll call vote the following voted aye: Coufal, Sypal, Mach, Bauer, Krafka, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

HR Update

Heidi Loges, Human Resources Director, updated the board that all time clocks at all locations are up and running. Bellwood was the last to be operational after the antenna was installed. She informed the board that occasionally the deputies do not have internet access when they are signing in from their laptops; she has instructed them to email her so she can manually enter their clock in or clock out.

Discussion/Possible Action regarding ADA Compliance officer for Butler County 2021-2022

At the July 19th meeting the board had inquired if the ADA Compliance officer position could be assigned to Heidi Loges. County Clerk, Stephanie Laska, said she looked into it and the board can designate Loges as the ADA Compliance officer. Moved by Mach and seconded by Coufal to appoint Heidi Loges as the ADA Compliance officer for Butler County. Upon



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roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

At 10:10 a.m. the chairman declared the board would take a quick break.

At 10:14 a.m. the board reconvened.

Discussion/Possible Action – Interlocal agreement for city ordinances between Butler County Sheriff and the Village of Octavia

Sheriff Dion presented a contract between his office and the Village of Octavia to provide law enforcement services for city ordinances. Moved by Mach and seconded by Svoboda to approve the interlocal agreement as presented. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion/Possible Action regarding President Biden’s Executive Order 14008 also known as the 30 by 30 plan – Approval of Resolution 2021- 29

County Attorney, Julie Reiter, addressed the board regarding the Resolution for York County that the board wanted to mirror. That resolution addressed the executive order that was signed by Governor Ricketts, and she wanted the board to be aware that they would be opposing the President’s executive order and supporting Governor Ricketts’ executive order. She asked them to review it and she would have the resolution ready to adopt at the next meeting.

Discuss setting date & time for the public hearing for Abie Rural Fire Protection District #11 and Village of Abie merger and for the public hearing for Bruno Rural Fire Protection District #7 and the Village of Bruno merger

County Clerk, Stephanie Laska, reported to the board that she has received a joint resolution from Abie Rural Fire Protection District #11 and the Village of Abie to merge the Village of Abie into the Fire District. She has also received a joint resolution for the Bruno Rural Fire Protection District #7 and the Village of Bruno to merge the Village of Bruno into the Fire District. As a result, a public hearing needs to be held for both mergers. The Bruno merger must be done jointly with the Saunders County Board of Supervisors because a portion of the fire district is in Saunders County. In discussion with Saunders County the date both clerks are proposing is October 21, 2021, at 9:00 a.m. for the Bruno merger and then 9:30 a.m. for the Abie merger. If both boards agree that date will work the date and time will be set at the next meeting.

Discussion/Possible Action – Public Defender position regarding contract and posting notice in the paper, online and creating a hiring committee.

Reiter explained to the board that they need to create a hiring committee for the public defender position. Laska was working to get the publications out to the papers. Laska explained the deadlines were missed last week for this week, however, she would get the ad out to the same papers that were published last year for the position. It was discussed that the ad would go in the paper for two weeks and close on the 27th of August. Interviews could be held by the hiring committee following the closure of the ad. The hiring committee will exist of two board members Scot Bauer & Robert Coufal, Jennifer Joakim and Heidi Loges.

Notification from Nebraska Department of Environment & Energy (NDEE) – Tuls Properties, LLC – Butler County Dairy – NPDES General Permit for Operations Confining Cattle

Notification from the Nebraska Dept of Environment & Energy (NDEE) for Tuls Properties LLC – Butler County Dairy was presented before the board. The notification was for a NPDES General Permit for Operations Confining Cattle located in the Northwest ¼ in Section 3, Township 13 North, Range 1 East, Butler County.

Discussion/Appointment to Butler County Health Care Center Board of Directors (Jason Lavicky)

Moved by Mach and seconded by Coufal to re-appoint Jason Lavicky to the Butler County Health Care Center Board of Directors. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.



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Authorize chairman to sign NDOT agreement for public transportation assistance

Presented before the board was an agreement for the NDOT public assistance for a new van in which 80% is federally funded and the remaining 20% is shared between state and local. Moved by Mach and seconded by Bauer to authorize the chairman to sign the agreement as presented. Upon roll call vote the following voted aye: Mach, Bauer, Krafka, Svoboda, Coufal, Sypal, and Whitmore. The following voted nay: NONE. Motion carried.

Budget 2021-2022 update and discussion

The budget committee and Laska presented before the board the results from their first round of meetings with departments. After cuts from the Road Department and the Sheriff, if the County uses \$500,000 from the inheritance fund, the board still needs to cut approximately \$85,000 from the budget to get below the lid. Laska also noted that if the board does not want to increase the levy this year, they would need to cut an additional \$250,000 to decrease the levy as it stands currently. She also noted that we are using the numbers that the assessor currently has for the county, which is not certified, and they are still waiting for numbers from the State. Once the numbers come in from the state, they will know exactly what needs to be cut from the budget. The budget committee discussed the need to continue cutting the budget or if they should use more money from the inheritance fund.

Discussion/Possible Action regarding the budget increase proposed by the County Attorney

In conjunction with the budget discussion the budget committee wanted to ask for the entire board's opinion regarding the County Attorney's budget request. Julie Reiter presented her budget proposal and explained to the board her staffing needs. Moved by Sypal and seconded by Coufal to approve the proposed budget increase by the County Attorney. Upon roll call vote the following voted aye: Sypal, Coufal, Svoboda, Bauer, and Whitmore. The following voted nay: Krafka and Mach. Motion carried.

Approval of 1% Additional Increase to Base of Restricted Funds

Moved by Mach and seconded by Sypal to approve the 1% additional increase to the base of restricted funds. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Set Date & Time for Budget Hearing

Moved by Svoboda and seconded by Sypal to set the date and time for the budget hearing for August 31, 2021, at 9:00 a.m. Upon roll call vote the following voted aye: Svoboda, Coufal, Sypal, Mach, Bauer, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

Set Date & Time for Special Hearing to Set Final Tax Request

Moved by Bauer and seconded by Coufal to set the Special Hearing to set final tax request for September 7, 2021, at 9:00 a.m. Upon roll call vote the following voted aye: Bauer, Mach, Sypal, Coufal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion

A question arose regarding the sale of the old county yards and how that could affect the budget. Laska said that the sale is not currently estimated in the proposed revenue for the county since it's not yet on the market, she wasn't sure if that should be considered. The board asked Julie what it would take to get it on the market. Reiter asked if they wanted to hire a realtor or sell it on their own, as an attorney she can sell property. The board discussed sealed bids and setting a bottom number that the bids must be over to be considered. Reiter said she would draw up a proposal and they can decide at the next meeting.

At 12:53 p.m. the chairman declared the board would take a quick break.

At 12:55 p.m. the board reconvened.



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Floodplain Update

Breann Whitmore, Floodplain administrator, reported before the board that to date she had issued 2 permits for the year. She said she has completed 15 hours of training this year. She also updated the board that her out of state training has once again been postponed due to COVID-19.

Employee Evaluations (Executive Session)

Moved by Mach and seconded by Coufal to move into executive session for the purpose of Employee Evaluations and invite the following: Heidi Loges, Breann Whitmore, Kenny Pelan, Max Birkel, and Diana McDonald at 1:00 p.m. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Moved by Coufal and seconded by Bauer to exit the executive session at 2:31 p.m. Upon roll call vote the following voted aye: Coufal, Svoboda, Krafka, Bauer, Mach, Sypal, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion

The board requested that Laska put on the next agenda, discussion/possible action regarding appointed employees raises.

Laska informed the board that at the next meeting they would be approving the inventories for each office and requested the liaisons to pick up the lists from her after the meeting so they can review them with the department heads.

The board asked Laska to put on the next meeting agenda, appointment of a vice chairperson in the event Whitmore cannot attend a meeting.

There being no further business to come before the board, the Chairman adjourned the meeting at 2:40 p.m. The next scheduled meeting of the Board of Supervisors will be August 16, 2021, at 9:00 a.m. at the Butler County Courthouse Supervisors Meeting Room.

Stephanie L. Laska
County Clerk

Anthony Whitmore
Chairman