



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

November 1, 2021

A joint meeting of the Board of Supervisors of Butler County, Nebraska and Saunders County was held on the 1st day of November, 2021 at the Butler County Highway 92 Building Meeting Room in David City Nebraska at 9:00 a.m.

Present were the following:

Butler County Supervisors: Anthony Whitmore, Tony Krafska, Scot Bauer, David Mach, Jan Sypal, Robert Coufal, and Ryan Svoboda. Absent: NONE.

Saunders County Supervisors: Dave Lutton, Craig Breunig, John Smaus, Tom Hrdlicka, Frank Albrecht. Absent: Doris Karloff and Scott Sukstorf

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.

Public Hearing regarding The Merger of Bruno Rural Fire Protection District and the Village of Bruno

Moved by Mach and seconded by Coufal to open the public hearing at 9:01 a.m. regarding the merger of Bruno Rural Fire Protection District and the Village of Bruno. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore for Butler County, Lutton, Breunig, Smaus, Hrdlicka, and Albrecht for Saunders County. The following voted nay: NONE. Absent: Karloff and Sukstorf for Saunders County. Motion carried.

Chairman Whitmore asked for public comment. James Egr was present representing the Bruno Fire District. Egr explained that the two boards need to meet for this merger because a small portion of the Bruno Rural Fire district was in Saunders County. He also explained that the Village of Bruno would no longer need to budget for fire protection and therefore would no longer need to exceed their levy each year. Gary Yindrick was present as a member of the Rural Fire District board and was for the merger.

Whitmore asked for any further comment.

Moved by Mach and seconded by Bauer to close the public hearing at 9:16 a.m. Upon roll call vote the following voted aye: Mach, Bauer, Krafska, Svoboda, Sypal, Coufal, and Whitmore for Butler County, Lutton, Breunig, Smaus, Hrdlicka, and Albrecht for Saunders County. The following voted nay: NONE. Absent: Karloff and Sukstorf for Saunders County. Motion carried.

Consideration/Approval of Resolution 2021-38 Inclusion of Village of Bruno into Bruno Rural Fire Protection District #7

Moved by Mach and seconded by Sypal to approve Resolution 2021-38 as presented. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore for Butler County, Lutton, Breunig, Smaus, Hrdlicka, and Albrecht for Saunders County. The following voted nay: NONE. Absent: Karloff and Sukstorf for Saunders County. Motion carried.



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**BOARD OF SUPERVISORS
BUTLER COUNTY & SAUNDERS COUNTY, NEBRASKA
RESOLUTION NO. 2021 – 38**

WHEREAS, the Village of Bruno, Nebraska, Butler County and Bruno Rural Fire Protection District No. 7 of Butler County & Saunders County, Nebraska have both adopted a Joint Resolution to have included within the Bruno Rural Fire Protection District No. 7 the territory within the incorporated Village of Bruno, Butler County, Nebraska pursuant to Sections 35-530 thru 35-536 of the Revised Statutes of Nebraska; and,

WHEREAS, all requirements of Sections 35-530 thru 35-536 of the Revised Statutes have been satisfied to bring about the inclusion of the incorporated territory of the Village of Bruno, Nebraska into Bruno Rural Fire Protection District No. 7.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. The proposal of including the incorporated territory of the Village of Bruno, Nebraska into the Bruno Rural Fire Protection District No. 7 and the resulting proposed district is suited to the general fire protection policy of this county involved, as a whole.
2. The boundaries of the proposed district shall be as outlined in the Plat map attached hereto and incorporated herein by reference as if fully set forth and described as Exhibit "A".
3. It is ordered that Exhibit "A" referenced above shall be the boundaries of Bruno Rural Fire Protection District No. 7 and the same shall be filed in the Office of the County Clerk of Butler County, Nebraska wherein this district is situated.

DATED this 1st day of November, 2021.

/s/Anthony Whitmore

Chairman of the Board – Butler County

/s/Dave Lutton

Chairman of the Board – Saunders County

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

/s/Patti J. Lindgren

Patti J. Lindgren, Saunders County Clerk

The joint meeting with Saunders County was concluded at 9:20 a.m. and the Butler County Board of Supervisors resumed their meeting to continue addressing the agenda items.

Monthly Sheriff Report

Sheriff Tom Dion presented the Monthly Sheriff Report for October 2021; the report was accepted and placed on file.

Discussion/Possible Action regarding redistricting and setting new boundaries

The committee comprised of Whitmore, Bauer, and Mach reported that they received an additional 3 proposals from gWorks. All four proposals were presented to the entire board. The committee recommended that they accept Proposal #2; it is the closest proposal that meets statutory requirements and doesn't change the current boundaries very much.



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Moved by Mach and seconded by Svoboda to accept proposal #2 to redistrict the Butler County Supervisor Boundaries. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Public Hearing regarding the merger of Abie Rural Fire Protection District and the Village of Abie

Moved by Mach and seconded by Sypal to open the public hearing at 9:30 a.m. regarding the merger of Abie Rural Fire Protection District and the Village of Abie. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Chairman Whitmore asked for public comment. Again, James Egr was present representing the Abie Rural Fire Protection District. He explained the reason for the merger was like Bruno. The village will no longer have to budget for fire protection and will no longer need to exceed their levy.

Human Resources Update

Heidi Loges, Human Resources director presented the board with a dividend check from NIRMA for \$8,679; this is the annual dividend that the county receives from NIRMA. She informed the board that she recently attended a NIRMA conference, and it was a wealth of knowledge, and she encouraged the board to attend these meetings as often as they can. The meetings are free unless you register and do not attend. She also mentioned that NIRMA recommends that the county do a survey regarding who has been vaccinated for COVID and who has not as the protocols for COVID exposure are different. Nothing was discussed regarding that information.

Discussion/Possible Action regarding the Public Defender Salary

Moved by Sypal and seconded by Coufal to increase the recommended salary for the public defender to \$75,000. Upon roll call vote the following voted aye: Sypal, Coufal, Mach, Bauer, Krafska, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion/Possible Action regarding hiring a Public Defender

Moved by Mach and seconded by Bauer to hire Tim Sopinski as the Public Defender for Butler County. Additional discussion regarding the terms of the contract were discussed, the board will approve the contract at the next meeting. Upon roll call vote the following voted aye: Mach, Bauer, Krafska, Svoboda, Sypal, Coufal, and Whitmore. The following voted nay: NONE. Motion carried.

Public Hearing regarding the merger of Abie Rural Fire Protection District and the Village of Abie continued

Chairman Whitmore asked if there was any further public comment regarding the merger.

Moved by Mach and seconded by Coufal to close the public hearing at 9:45 a.m. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Consideration/Approval of Resolution 2021-39 Inclusion of Village of Abie into Abie Rural Fire Protection District #11

Moved by Mach and seconded by Coufal to approve Resolution 2021-39 as presented. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafska, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2021 – 39**

WHEREAS, the Village of Abie, Nebraska and Abie Rural Fire Protection District No. 11 of Butler County, Nebraska have both adopted a Joint Resolution to have included within the Abie Rural Fire Protection District No. 11 the territory within the incorporated Village of Abie, Butler County, Nebraska pursuant to Sections 35-530 thru 35-536 of the Revised Statutes of Nebraska; and,



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WHEREAS, all requirements of Sections 35-530 thru 35-536 of the Revised Statutes have been satisfied to bring about the inclusion of the incorporated territory of the Village of Abie, Nebraska into Abie Rural Fire Protection District No. 11.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

4. The proposal of including the incorporated territory of the Village of Abie, Nebraska into the Abie Rural Fire Protection District No. 11 and the resulting proposed district is suited to the general fire protection policy of this county involved, as a whole.
5. The boundaries of the proposed district shall be as outlined in the Plat map attached hereto and incorporated herein by reference as if fully set forth and described as Exhibit "A".
6. It is ordered that Exhibit "A" referenced above shall be the boundaries of Abie Rural Fire Protection District No. 11 and the same shall be filed in the Office of the County Clerk of Butler County, Nebraska wherein this district is situated.

DATED this 1st day of November, 2021.

/s/Anthony Whitmore

Chairman of the Board

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Discussion/Possible Action – Appointment of Elizabeth Papineau, DDS to the Board of Health

Laura McDougal, Executive Director of Four Corners Health Department, appeared before the board to request the appointment of Elizabeth Papineau, DDS to the Board of Health. Present from the Public was Crystal Stara who asked the board to consider what Dr. Papineau's opinion is of the COVID vaccine. Upon further discussion the board requested to speak to Dr. Papineau at the next board meeting before they agree to appoint or not appoint her.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Moved by Bauer and seconded by Coufal to move into the Board of Equalization meeting at 10:28 a.m. Upon roll call vote the following voted aye: Bauer, Mach, Coufal, Sypal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

Moved by Bauer and seconded by Coufal to move out of the Board of Equalization meeting at 10:30 a.m. Upon roll call vote the following voted aye: Bauer, Mach, Coufal, Sypal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion/Possible Action regarding City of Lincoln Subaward agreement for Aging Partners

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

Discussion/Possible Action regarding recording a deed from NPPD to the County of Butler

Highway Superintendent, Randy Isham, presented before the board a Deed from NPPD to the County of Butler; in which they are giving an easement back to Butler County and then Butler County will give back to the landowner. There is no cost to the Butler County for this property transfer. Moved by Sypal and seconded by Coufal to approve the deed as



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

Discussion/Possible Action – approval of Interlocal Agreement with Saunders County for snow removal on 1.75 miles of 39 Rd (Prague Hwy)

Moved by Mach and seconded by Svoboda to approve the Interlocal Agreement as presented. Upon roll call vote the following voted aye: Mach, Coufal, Sypal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

Update on Roads

Isham updated the board that they are still working on the minimum maintenance road in Franklin Township. They continue to gravel roads. He also said that on the next agenda he will be discussing with the board the need to purchase a new loader.

Chairman declared the board would take a short break at 10:37 a.m.

The board reconvened at 10:41 a.m.

Zuercher Update

Sheriff Tom Dion, Myndi Petersen – 911 Coordinator, and Angie Siebken – Detention Administrator, appeared before the board to give an update regarding the Zuercher software. Zuercher is still not compliant with jail standards. Therefore, it has been recommended that Butler County not go live until the counties that are live are compliant. However, there is not a timeline for when those counties will be compliant. The board questioned if it was time to start looking at another option. It was also questioned whether Butler County had a legal option to get out of the contract and if they could recoup the money already invested. The board asked Dion to look into the legal route and report back.

Discussion

Max Birkel, Weed Superintendent, was present and updated the board regarding the drone spraying that has been completed. The drone operator started at 9 a.m. and they worked straight through until 6:30 p.m. They went through 280 gallons of water; the drone holds 2.5 gallons at a time. They sprayed several sites in Southern Butler County. Birkel also noted that several landowners have called and offered to spray themselves if they could get the chemical. Birkel mentioned that results will not be known until the Spring.

Discussion/Possible Action – Sale of Old Highway Department Property

County Attorney, Julie Reiter, presented before the board the terms of the sale of the old highway department property. The board was pleased with the terms.

Set Date & Time for Public Hearing regarding the sale of the Old Highway department property

Moved by Sypal and seconded by Coufal to set the public hearing regarding the sale of the old highway department property for November 22, 2021, at 8:00 a.m. in the Supervisors Meeting Room at the Butler County Courthouse in David City, Nebraska. Upon roll call vote the following voted aye: Sypal, Coufal, Mach, Bauer, Krafka, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

Set Date & Time to sell the Old Highway department property

Moved by Sypal and seconded by Svoboda to set the date and time to sell the Old Highway department property on December 13, 2021, at 9:00 a.m. Upon roll call vote the following voted aye: Sypal, Svoboda, Krafka, Bauer, Mach, Coufal, and Whitmore. The following voted nay: NONE. Motion carried.

Discussion/Possible Action – Sale of Old Highway Department Property continued

Additional discussion regarding the property at the old highway department and whether or not the board should have any open houses ensued. Moved by Sypal and seconded by Svoboda to set open houses to show the Old Highway



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department property on November 22, 2021 from 9:00 a.m. to 11:00 a.m. and December 6, 2021 from 1:00 p.m. to 3:00 p.m. Upon roll call vote the following voted aye: Sypal, Svoboda, Krafka, Bauer, Mach, Coufal, and Whitmore. The following voted nay: NONE. Motion carried.

Consideration of Resolution 2021-40 – Resolution to join the Southeast Nebraska Development District

Presented before the board was a resolution to join the Southeast Nebraska Development District. This resolution will open up federal resources for funding. Moved by Bauer and seconded by Coufal to approve the Resolution 2021-40 as presented. Upon roll call vote the following voted aye: Bauer, Mach, Coufal, Sypal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

RESOLUTION TO JOIN THE SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT RESOLUTION NO. 2021-40

A Resolution by the County of Butler, Nebraska, providing for full participation by the County in the Southeast Nebraska Development District, a Development District which is organized under the Interlocal Cooperation Act, Sections 13-801 through 13-827, Nebraska Revised Statutes (Reissue 1997 and Supp. 2002), of the State of Nebraska and under authority of Sections 13-1901 to 13-1907, Nebraska Revised Statutes (Reissue 1997 and Amd. 2019) (the Nebraska Development District Act).

Be it resolved by the Board of Supervisors/Board of County Commissioners that the County of Butler, Nebraska hereby declares its intent to join with any incorporated villages, cities or counties that are eligible and may wish to participate as a member of the Southeast Nebraska Development District through execution of an intergovernmental agreement.

Be it further resolved, that the Chairman of the Board of Supervisors of Butler County is hereby authorized, on behalf of the County, to execute said agreement allowing for participation by Butler County in the Southeast Nebraska Development District, which said agreement shall be substantially in the words and figures set forth in that certain agreement, a copy of which is attached hereto and made a part hereof.

THIS RESOLUTION APPROVED by the Board of Supervisors of Butler County, Nebraska on this 1st day of November, 2021.

/s/Anthony Whitmore
Chairman, Butler County Board of Supervisors

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

Correspondence

1. NACO – Opioid Litigation

Discussion/Possible Action – Requests for Funds/Butler County Visitor’s Committee – Bone Creek Museum (Improvement fund)

No action taken, tabled until further notice.



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There being no further business to come before the board, the Chairman adjourned the meeting at 11:36 a.m. The next scheduled meeting of the Board of Supervisors will be November 15, 2021, at 9:00 a.m. at the Butler County Highway 92 Building Meeting Room.

Stephanie L. Laska
County Clerk

Anthony Whitmore
Chairman