



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

February 7, 2022

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 7<sup>th</sup> day of February, 2022 at the Butler County Courthouse 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.

Chairman Whitmore asked for a moment of silence for Kroy Vandenberg.

### **Public Hearing – Intent to sell county property located at 1329 36<sup>th</sup> Road David City, Nebraska**

Moved by Mach and seconded by Coufal to open the public hearing regarding the intent to sell county property located at 1329 36<sup>th</sup> Road David City, Nebraska at 9:01 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.

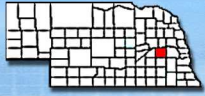
Chairman Whitmore asked if there were any questions or comments from the public. Questions regarding fuel storage and contamination arose. It was explained that there were problems at one time, however; testing was completed and signed off by the NDEQ and the wells have since been capped. Whitmore stated they would keep the hearing open for a while longer and move on to other business.

### **Discussion/Possible action regarding allowing Max Birkel, Noxious Weed Superintendent to stay overnight in Norfolk for the NWCA Conference Monday, February 7 through Wednesday, February 9.**

Moved by Mach and seconded by Sypal to allow Max Birkel, Noxious Weed Superintendent to stay overnight in Norfolk for the NWCA Conference Monday, February 7 through Wednesday, February 9. 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 the Garrison tornado sirens**

Emergency Manager, Mark Doehling, appeared before the board with a quote for the tornado siren in Garrison. The quote he presented was \$3,894.95. He said he thought it would be less since there is already a siren in Garrison. He again told the board that Butler County doesn't typically have funding for this type of project and that usually the Villages and Rural Fire Boards pay for it. Bauer said he called around and found out the same information, that the villages or the rural fire boards pay for the sirens. Moved by Svoboda to have the county pay for the cost of the sirens and installation and pay for it using the Inheritance fund. Chairman Whitmore asked for a second. Bauer said he felt there needs to be more research on the issues before the county takes on the project. Svoboda withdrew his motion. The topic was tabled until the next meeting.



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## Discussion about the gravel pit expenses and the future of the pit

Highway Superintendent, Randy Isham, reported to the board that in the last fiscal year the gravel pit cost the county approximately \$10.91 per cubic yard of gravel pumped. He said that there were more repairs and labor at the gravel pit in the last year and that in previous years the pit cost less. He said realistically the pit costs approximately \$9.73 per cubic yard. These numbers are significantly less than the average \$16.49 per cubic yard that they can purchase from other gravel pits. He said the pit roughly saves the county \$125,000 to \$150,000 depending on which pit the gravel is purchased from. He also reported that the repairs to the pump and cutter head will be less than he reported at the last meeting. At the last meeting he estimated it would cost \$75,000 to repair everything. It is now estimated that it will cost approximately \$60,000. The board discussed the repairs. Moved by Mach and seconded by Bauer to fix the pump and cutter head. Upon roll call vote the following voted aye: Mach, Bauer, Krafka, Svoboda, Coufal, Sypal, and Whitmore. The following voted nay: NONE. Motion carried.

## Update on Roads

Chairman Whitmore reported that Ulysses Township purchased a motor grader at their last monthly meeting. Isham reported that he has his dirt crew doing rip rap on the Big Blue and on culverts that have been undermined by water.

## Approval of Resolution 2022-04 – Approval of Butler County Local Emergency Operations Plan (LEOP)

Emergency Manager, Mark Doehling, explained that any time a change is made to the LEOP the board needs to acknowledge the changes and approve a resolution. Moved by Bauer and seconded by Sypal to approve the resolution as presented. Upon roll call vote the following voted aye: Bauer, Mach, Sypal, Coufal, Svoboda, Krafka, and Whitmore. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2022 – 04**

WHEREAS, the Board of Supervisors of Butler County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Butler County, Nebraska; and

WHEREAS, it has been determined that a Butler County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Butler County, and the cities and villages in Butler County; and

WHEREAS, the Board of Supervisors of Butler County, deems it advisable to and in the best interest of Butler County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this Local Emergency Operations Plan supersedes all previous approved Butler County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Butler County, Nebraska, that the Butler County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 7th, DAY OF February, 2022.

MOVED by Bauer, seconded by Sypal, that the above resolution be adopted. Motion carried.

FOR:	AGAINST:	ABSENT:	ABSTAIN:
<u>/s/Anthony Whitmore</u>	_____	_____	_____
<u>/s/Ryan Svoboda</u>	_____	_____	_____
<u>/s/Robert Coufal</u>	_____	_____	_____
<u>/s/Jan Sypal</u>	_____	_____	_____



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/s/David W. Mach

/s/Scot Bauer

/s/Tony Krafka

Attested to by:

/s/Stephanie L. Laska

Stephanie L. Laska

Butler County Clerk

## **Discussion**

It was discussed whether SENDD could help Garrison get the funding for the sirens. They thought that could be a possibility, however Garrison would have to join SENDD in order to seek their help.

## **Public Hearing – Intent to sell county property located at 1329 36<sup>th</sup> Road David City, Nebraska**

Chairman Whitmore asked if there was any more comment from the public. There being no further comment from the public he asked for a motion to close the hearing. Moved by Mach and seconded by Coufal to close the public hearing at 9:36 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.

## **Discussion/Possible Action regarding the claims approval and signing process**

Chairman Whitmore explained that he had discussed with County Clerk, Stephanie Laska, regarding the need to sign each claim after the meetings. He had spoken with a couple other counties and their process has the entire board sign a document stating they've reviewed and approved the claims as presented. Laska contacted the auditor's office to inquire if the entire board signing a document approving the claims instead of the chairman signing each individual claim would be acceptable. She received word from the office that the change would be acceptable to their office. Moved by Sypal and seconded by Mach to change the signing process to the entire board signing a document to approve the claims instead of the chairman signing each individual one. Upon roll call vote the following voted aye: Sypal, Mach, Bauer, Krafka, Svoboda, Coufal, and Whitmore. The following voted nay: NONE. Motion carried.

## **County Clerk Monthly Fee Report**

The County Clerk fee report for the month of January 2022 was accepted and placed on file.

## **Clerk of the District Court Monthly Fee Report**

The Clerk of the District Court fee report for the month of January 2022 was accepted and placed on file.

## **Sheriff Monthly Report**

The Monthly Sheriff Report for January 2022 was presented before the board. It was accepted and placed on file.

## **Human Resources Update**

Heidi Loges, Human Resources Director, appeared before the board and discussed recognizing employees for their time with the county monthly at a board meeting. She wants to recognize employees that have been with the county for 5, 10, 15, 20 years and so on. The board liked the idea and asked Loges to start at the next meeting.

## **Discussion/Possible Action regarding an interlocal cooperation 911 Emergency Communications Equipment Sharing Agreement**

911 Coordinator Myndi Petersen presented an interlocal agreement for sharing 911 Emergency Communications equipment. Moved by Sypal and seconded by Coufal to approve the agreement as presented. Upon roll call vote the following voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Mach, and Whitmore. The following voted nay: NONE. Motion carried.



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## **Notification from Nebraska Department of Environment & Energy (NDEE) – 6M, LLC – Modified Construction and Operating Permit Issued – Approval to Operate**

Notification from the Nebraska Department of Environment & Energy (NDEE) for 6M, LLC was presented before the board. The notification was Notice of a Modified Construction and Operating Permit Issued – Approval to Operate in the Northeast ¼ of Section 2, Township 15 North, Range 1 East, Butler County, Nebraska.

## **Discussion/Possible Action regarding the Sheriff impound yard getting a cover over the fence**

Sheriff Tom Dion appeared before the board and he and Supervisor Coufal explained they've received complaints that the impound is an eyesore and no one needs to see what is in the impound lot. Dion told the board he can get a privacy screen that attaches to the fence; it comes in 50 ft by 6 ft sections and costs approximately \$50. He said the top 2 feet would not be covered but you would not be able to see what is in the lot.

## **Discussion/Possible Action regarding the American Rescue Plan Act Funding**

Chairman Whitmore said that the American Rescue Plan Act has finalized the final rule regarding how the ARPA money can be spent and what it can be spent on.

County Attorney, Julie Reiter, said she had sent the entire board a link to a webinar regarding the ARPA Final Rule; she was unable to attend, however, she had asked County Treasurer, Karey Adamy, if she could attend. Adamy presented the board with a handout from the webinar and presented highlights from the presentation. The board set up a committee to start planning how the money should be spent, the committee consists of Whitmore, Sypal and Bauer.

At 10:07 a.m. the chairman declared the board would take a quick break.

At 10:12 a.m. the board reconvened.

## **Correspondence**

1. Nebraska Association of Emergency Management – nominations for annual awards
2. Larry Novak – Letter opposing the Butler County Landfill
3. Problem Solving Court Graduation Invite

## **Committee Reports**

Sypal and Svoboda met with Region V regarding updating the lease with the county, they were very receptive to the triple net lease idea.

Whitmore attended the NACO Chairperson seminar; he said there was a lot a good information presented.

Sypal, Svoboda and Coufal met with the Landfill; they are looking to apply for expansion again in the near future. The landfill will be working to draft a host agreement. The Committee suggested that if the expansion is even considered they will have to do something about the road.

Coufal and Sypal reported that the Hospital is looking at an expansion in the near future.

Svoboda mentioned the Butler County Development committee is still working on bringing a hotel to David City.

## **Discussion**

LB 921 regarding drug convictions becoming a 4-year sentence at the county level as opposed to a prison sentence; the bill is said to eliminate the need to build more prisons. It was commented that county jails do not have the programs for sentences of 4 years, and it would create a burden on the Counties.

## **Discussion/Possible Action regarding Butler County SOPs**



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911 Coordinator informed the board that she was working to update the standard operating procedures for the department. She said that County Attorney, Julie Reiter had reviewed them and had some corrections. Reiter said she has not done a thorough review yet and that some of the policies conflicted with the Butler County Handbook. She said the SOPs needed a table of contents to allow dispatchers to quickly flip to situations and scenarios.

Supervisor Krafka said that he had done some calling around regarding 911 communication centers and he found out that the Columbus center is only running at approximately 50% capacity and has the capacity to be a Regional 911 communications center. He said that Columbus currently handles Polk County 911 dispatching and overall, the feedback he received was positive. He said the price is based on call volume and Polk currently pays \$150,000 per year. He thought it might be something Butler County might want to look into in the future. Upon further discussion, Krafka was going to get more information and the other supervisors were going to contact the fire departments to get their perspective on the situation.

## **Discussion/Possible Action regarding workplace safety concerns (Possible Executive Session)**

Moved by Sypal and seconded by Coufal to move into executive session regarding workplace safety concerns and inviting County Sheriff, Tom Dion, County Attorney, Julie Reiter, and Human Resources Director, Heidi Loges and 911 Coordinator, Myndi Peterson at 10:46 a.m. Upon roll call vote the following voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Mach, and Whitmore. The following voted nay: NONE. Motion carried.

Moved by Mach and seconded by Sypal to move out of executive session at 11:09 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.

## **Executive Session regarding the Sheriff Department**

Moved by Svoboda and seconded by Sypal to enter executive session to discuss the Sheriff Department and invite County Sheriff, Tom Dion, County Attorney, Julie Reiter, and Human Resources Director, Heidi Loges and Deputies Schnell, Mejstrik, Ernst, Pilcher, Kruse, Reed, Behn and Betzen at 11:13 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.

Moved by Coufal and seconded by Bauer to exit the executive session at 12:30 p.m. Upon roll call vote the following voted aye: Coufal, Sypal, Mach, Bauer, Krafka, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:31 p.m. The next scheduled meeting of the Board of Supervisors will be February 22, 2022 at 9:00 a.m.

Stephanie L. Laska  
County Clerk

Anthony Whitmore  
Chairman