



# Butler County Board Minutes



## BUTLER COUNTY BOARD OF SUPERVISORS

June 6, 2022

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6<sup>th</sup> day of June, 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.

### **Certificate of Service Presentation**

Chairman Whitmore presented Frank Prochaska with a Certificate of Service for 30 years of Service with Butler County.

### **Approval of Early payroll for terminated employees**

Early payroll for employees who were termed or left the county was presented before the board. Moved by Mach and seconded by Svoboda to approve the early payroll 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.

### **County Clerk monthly fee report**

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

### **Sheriff Monthly Report**

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

### **BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)**

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

Moved by Mach and seconded by Bauer to exit the Board of Equalization at 9:15 a.m. Upon roll call vote the following voted aye: Mach, Bauer, Krafka, Svoboda, Coufal, Sypal, and Whitmore. The following voted nay: NONE. Motion carried.

**Discussion/Possible action – Approval of Miretta Vineyards & Winery dba Miletta Vista Winery Special Designated License for July 14, 2022, from 7:00 p.m. to 10 p.m.**



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Presented before the board was a Special Designated Liquor License for Miretta Vineyards & Winery dba Miletta Vista Winery Special Designated License for July 14, 2022, from 7:00 p.m. to 10 p.m. during the Butler County Fair. Moved by Coufal and seconded by Mach to approve the Special Designated License as presented. Upon roll call vote the following voted aye: Coufal, Sypal, Mach, Bauer, Krafka, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

## **Approval of Renewal of Health Reimbursement Arrangement (July 1, 2022 to July 1, 2023)**

Moved by Coufal and seconded by Sypal to approve the renewal of the Health Reimbursement Arrangement with Mid-American Benefits, Inc. Upon roll call vote the following voted aye: Coufal, Sypal, Mach, Bauer, Krafka, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

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

Butler County owns a tract of land in Section 35, Township 16 North, Range 4 East, which is currently leased to Kastl Brothers for the amount of tax owed for the year. Moved by Mach and seconded by Coufal to renew the lease for 1 year, rent amount to be \$343.14. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: None. Motion carried.

## **Blue Valley Behavioral Health Annual Update and Budget Request**

Jon Day, Executive Director for Blue Valley Behavioral Health appeared before the board and presented BVBH's annual report and funding request for 2022-2023. For fiscal year 2022-2023 BVBH is requesting \$5,720.

## **Approval of NIRMA & NIRMA II Renewal Billing Statement (July 1, 2022 to July 1, 2023)**

The board was presented with the annual insurance renewal for NIRMA & NIRMA II. This year there was an annual increase of 6.96% increase for an annual renewal rate of \$183,910. County Clerk Stephanie Laska informed the board that she asked NIRMA to quote a higher liability of Cyber Security Insurance; as a result, NIRMA presented a second invoice. That invoice included a \$5 million liability for cyber related incidents rather than the current \$2 million. This addition would reflect an increase of \$2,378. The board discussed increasing the deductibles to offset the increase for additional cyber security coverage. Moved by Sypal and seconded by Svoboda to increase all deductibles to \$1,000 and include the additional cyber security coverage. As a result of the change the annual insurance billing would be \$184,574 which is an increase of \$664 over the original invoice presented before the board. Chairman Whitmore called for a vote. The following voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Mach, and Whitmore. The following voted nay: NONE. Motion carried.

## **Discussion/Possible Action regarding a Windstream utility permit for 2151 Road 22 Dwight, Nebraska**

Highway Superintendent, Randy Isham presented a Windstream utility permit for 2151 Road 22 Dwight, Nebraska before the board. Isham said at this time he is having issues getting Windstream to do line locates in a timely manner and therefore is asking the board to table this permit until they start doing the locates again. He said he is not comfortable digging without the locates. He said if they don't respond in a certain amount of time he can dig without worry about recourse, however, he said he is not comfortable with that idea and would prefer the company to do their line locates. He will put the permit back on the agenda at a later date.

## **Discussion/Possible Action regarding motor grader tires purchase**

Isham informed the board that he needs 20 tires for his motor graders. He received 3 bids; Poms Tire Service \$1,248 per tire; Bauerbilt \$1,560 per tire; Northside \$950 per tire. He is recommending the purchase of the tires from Northside in David City. He said the tires are a good tire and they are by far the best price for the county. Moved by Mach and seconded by Coufal to approve the purchase of the motor grader tires from Northside for \$950 per tire. 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 purchase of a new ¾ ton pickup with utility box**



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Isham informed the board that the current truck they have needs replacement. He will be looking for the most basic vehicle he can find, the RFP will include a utility box. The board told him to get some bids and they will look at them at that time.

## **Discussion/Possible action regarding engineering of 4 bridges for replacement**

Isham informed the board that he has two bridges that need to be replaced that will be 60-foot bridges; engineering costs for those bridges are as follows: Engineering Costs \$19,700; Hydraulic Study \$4,900 and U.S. Army Corp of Engineer Permits: \$1,500 per bridge (\$3,000 total). Isham also said he has 2 bridges that need replacing that are 40-foot bridges; engineering cost for those bridges are as follows: Engineering Cost \$12,850; Hydraulic Study \$4,100 and U.S. Army Corp of Engineer Permits: \$1,500 per bridge (\$3,000 total). Isham informed the board that in the past they have not gotten the permits for the smaller bridges.

Moved by Mach and seconded by Sypal to approve the engineering cost, hydraulic study, and the permits for the 60-foot bridges. 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 Mach and seconded by Krafka to approve the engineering cost and hydraulic study for the 40-foot bridges. 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**

Isham informed the board that they have moved on from cleaning ditches; they are now working to replace culverts throughout the county. He said they do need it to dry out a little before they can start doing that. He said with the rain we just got he will be traveling the roads to see how they held up and getting gravel to the places that need it.

## **Approval of Renewal of IT Services Contract (2022-2023)**

Ed Knott from Applied Connective appeared before the board to explain the new contract and the reason for the significant increase in the contract. He informed the board that they have changed the way they bill; instead of billing by the hour they will be billing per device/user. The board discussed the contract. Moved by Krafka and seconded by Mach to approve the renewal of IT Services Contract with Applied Connective for 2022-2023. Upon roll call vote the following voted aye: Krafka, Bauer, Mach, Sypal, Coufal, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

## **Approval of Official Bond and Oath/Michael Croghan, Platte Township**

Moved by Mach and seconded by Bauer to approve the oath and bond 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.

## **Discussion/Possible Action – County Board to designate the printing service for LB 644**

Laska explained that due to new legislation there is a possibility that there will be a joint budget hearing between several different political subdivisions; as a result the county needs to designate a print shop to do the printing for the post cards that will need to be sent out for every parcel in the county. Moved by Mach and seconded by Coufal to designate the Nebraska Print shop for the printing service for the LB 644 postcards. Upon roll call vote the following voted aye: Mach, Sypal, Coufal, Svoboda, Krafka, Bauer, and Whitmore. The following voted nay: NONE. Motion carried.

## **Blue Valley Community Action Annual Report and funding request**

Shari Wurtz-Miller, BVCA's CEO, Heather Lytle and Deb Aegerter appeared before the board to present the annual report for 2021 and funding request for fiscal year 2022-2023. The annual funding request for 2022-2023 is \$6,440.00.

## **District 5 Probation Annual Report and funding request**

Carrie Rodriguez, Chief Probation Officer appeared before the board to present the annual report for 2021 and funding request for fiscal year 2022-2023. The annual funding request for 2022-2023 is \$18,392.44.



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## **Problem Solving Court Presentation**

Rodriguez presented before the board an interlocal agreement for Problem Solving Court between Butler County, Saunders County and Colfax County. This agreement will replace the current agreement. She also introduced Judge Marroquin and let her speak about Problem Solving Court. Also appearing before the board were Jeanetta & Thomas Albers, graduates of Problem Solving Court. The Albers' shared their journey through Problem Solving Court and expressed how it saved their lives and that without it they would be in prison. The interlocal will be placed on the agenda for June 21 and approved at that meeting.

At 10:42 a.m. the chairman declared the board would take a quick break.

At 10:45 a.m. the board reconvened.

## **Discussion/Possible action regarding increasing meal prices**

Diana McDonald, Senior Center Director, appeared before the board to discuss raising the price of meals due to the increases in prices of food and supplies. She said she would like to increase dine in meal \$0.25 and carry-out & delivery \$0.50. Supervisor Sypal asked if she knows what other Centers charge and if they are increasing their prices. She also didn't think that she was increasing her prices enough. The board asked her to get additional data regarding other center's meal prices and present at the next board meeting.

## **Discussion/Possible action – request for a letter reconfirming support of the Highway 30/64 Corridor bridge and affirmation of commitment of \$10,000 for feasibility study**

Arnie Stuthman appeared before the board requesting the board write a letter of support for the Highway 30/64 Corridor bridge. He said some of the members of the committee are no longer interested in the project and they don't want to see the project stall. A draft of the support letter was presented to the board in which they had no changes. Moved by Krafka and seconded by Bauer to send a letter of support to the Highway 30/64 committee supporting the bridge and affirming the county's \$10,000 commitment to the feasibility study. Upon roll call vote the following voted aye: Krafka, Bauer, Mach, Sypal, Coufal, Svoboda, and Whitmore. The following voted nay: NONE. Motion carried.

## **Approval of Region V Lease agreement**

Supervisor Sypal explained that Region V has prepared a triple net lease between the County and Region V. County Attorney Julie Reiter said she reviewed it; however, she had concerns regarding the snow removal portion of the lease. She questioned why the County would be responsible for the snow removal, when they have not been responsible in the past. The lease will be tabled until it is revised.

## **Approval and Adoption of Resolution 2022 – 08 Transfer General Fund (Ag Extension to Equipment Sinking Fund**

Moved by Sypal and seconded by Mach to approve Resolution 2022 – 08 as presented. Upon roll call vote the following voted aye: Sypal, Mach, Bauer, Krafka, Svoboda, Coufal, and Whitmore. The following voted nay: NONE. Motion carried.

### **BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2022 – 08**

WHEREAS, the Butler County Board of Supervisors has determined that it is in the best interest of the County for funds to be set aside for the purchase of equipment and vehicles that require specific funding, and

WHEREAS the Ag Extension Agent Department will be required to set aside and maintain funds for the future purchase of equipment, and

WHEREAS, said funds, in order to be maintained for the future purchase, must be transferred from the General Fund (Ag Extension Agent Department) to the Equipment Sinking Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors that the Butler County Treasurer be hereby directed to transfer \$5,500.00 from the General Fund to the Equipment Sinking Fund.



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PASSED AND APPROVED THIS 6TH, DAY OF JUNE, 2022.

MOVED by Sypal, seconded by Mach, 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>	_____	_____	_____
<u>/s/David W. Mach</u>			
<u>/s/Scot Bauer</u>			
<u>/s/Tony Krafska</u>			

Attested to by:  
/s/Stephanie L. Laska  
 Stephanie L. Laska  
 Butler County Clerk

### Approval and Adoption of Resolution 2022 – 09 Budget Making Authority

Moved by Bauer and seconded by Mach to approve Resolution 2022 – 09 as presented. Upon roll call vote the following voted aye: Bauer, Mach, Sypal, Coufal, Svoboda, Krafska, and Whitmore. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS  
 BUTLER COUNTY, NEBRASKA  
 RESOLUTION NO. 2022 – 09**

WHEREAS, Section 23-906, Revised Statutes, State of Nebraska, states in part, that in each county the finance committee of the County Board shall constitute the budget-making authority unless the board, in its discretion, designates or appoints one of its own members or the county clerk, county comptroller, county manager, or other qualified person as the budget making authority, and

WHEREAS, this budget preparer may receive an amount in addition to their salary for this service, and

WHEREAS, the Butler County Board of Supervisors desires to appoint Stephanie L. Laska, as the Budget Making Authority for Butler County, Nebraska and to authorize payment in the amount of \$2,000.00, to be paid upon completion of the budget document.

NOW, THEREFORE, BE IT RESOLVED, by the Butler County Board of Supervisors, that Stephanie L. Laska is appointed the Budget Making Authority, to prepare and present the budget for the fiscal year 2022-2023 to the County Board.

BE IT FURTHER RESOLVED, that said Stephanie L. Laska be granted full authority to comply with Section 23-904 and 23-905 of the Revised Statutes of the State of Nebraska.

PASSED AND APPROVED THIS 6TH, DAY OF JUNE, 2022.

MOVED by Bauer, seconded by Mach, 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>	_____	_____	_____
<u>/s/David W. Mach</u>			



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/s/Scot Bauer

/s/Tony Krafka

Attested to by:

/s/Stephanie L. Laska

Stephanie L. Laska

Butler County Clerk

## **Correspondence**

1. Letter from David City Mayor Zavodny – Supporting the Bone Creek Museum of Agrarian Art
2. Letter from Fr. Timmerman – Aquinas Catholic Schools Chief Administrative Officer – Supporting Bone Creek Museum of Agrarian Art

## **Committee Reports**

Whitmore reported that they had been contacted by the City of David City regarding renegotiating the Law Enforcement contract.

## **Discussion regarding the status of FOP pending litigation (Executive Session)**

Moved by Mach and seconded by Sypal to move into executive session at 11:15 a.m. to discuss the status of the FOP pending litigation and inviting County Attorney Julie Reiter. 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 Mach to exit the executive session at 11:30 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/Possible action – approval of interlocal agreement of transfer of drug dog to Colfax County**

Sheriff Dion explained that Deputy Reed has left the department and is now employed with Colfax County. He said that he does not have a current employee interested in becoming a dog handler. He also does not intend to advertise for a deputy who would like to be a dog handler. County Attorney, Julie Reiter, explained that the interlocal agreement will sell the dog to Colfax County. And that part of the agreement also states that Colfax County will come to Butler County in the event they need the drug dog's service, and Butler County's dog is unavailable. According to Reiter, there are items in the agreement that still need to be clarified. The board discussed the interlocal and other options for the dog. The interlocal will be tabled until the next meeting.

## **Discussion**

The board asked Sheriff Dion about the fence at the impound. Dion said that he is waiting for a quote from American fence to fix it. He explained that with the high winds we've had, the privacy tarp that was put on the fence essentially created a sail and as a result the fence was damaged. He reported that the evidence was placed inside the building and is secure.

Whitmore reported that 911 Coordinator went to York to train on Zuercher and he will be going to Saunders County to demo Justice Data Solutions. Whitmore also reported that he worked a shift in Nemaha County, and they use Zuercher and he thought that it was pretty user friendly and he had no issues with it. He said he believes they will be discussing the Zuercher topic at the next meeting.

There being no further business to come before the board, the Chairman adjourned the meeting at 12:11 p.m. The next scheduled meeting of the Board of Supervisors will be June 21, 2022, at 9:00 a.m.

Stephanie L. Laska  
County Clerk

Anthony Whitmore  
Chairman