

## BUTLER COUNTY BOARD OF SUPERVISORS

May 1, 2023

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 1<sup>st</sup> day of May, 2023 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

Present were the following: Anthony Whitmore, Tony Krafka, Scot Bauer, Scott Steager, 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.

### **Discussion/Possible action – set date & time to open bids for new laptop computers**

Sheriff Dion came before the board and said they would need to go out for bids for the patrol unit laptops. Moved by Steager, seconded by Sypal to set date & time to open bids for new laptop computers for June 5, 2023 at 9:20 a.m. Upon roll call vote the following:

Voted aye: Steager, Sypal, Coufal, Svoboda, Krafka, Bauer, & Whitmore.

Voted nay: NONE.

Motion carried.

### **Set time & date for opening Health & Dental insurance bids**

The board discussed whether to go out for bids for health & dental insurance. Supervisor Sypal reported that she spoke with hospital representatives who said it's not just Aetna that they have issues with in regards to insurance carriers and finding the cheaper solution for services. The board decided they would like to speak to the hospital more about this and tabled the discussion for May 15, 2023.

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

Moved by Bauer, seconded by Svoboda to move into the Board of Equalization at 9:11 a.m. Upon roll call vote the following:

Voted aye: Bauer, Krafka, Svoboda, Coufal, Sypal, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

Moved by Sypal, seconded by Coufal to exit the Board of Equalization at 9:14 a.m. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Accept bids for 2 bridges located on Road 23 ½ between T & U and Road 27 between R & S**

Highway Superintendent, Randy Isham, appeared before the board and recommended the lowest bid from Norfolk Contracting Inc. in the amount of \$409,583.00. Moved by Sypal, seconded by Svoboda to accept the bid from Norfolk Contracting, Inc for the 2 bridges located on Road 23 ½ between T & U and Road 27 between R & S for \$409,583.00. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Approval of Windstream Utility permit to bore a phone cable under the road at 1610 35 ½ Road David City, NE**

Moved by Steager, seconded by Coufal to approve the utility permit as presented. Upon roll call vote the following:

Voted aye: Steager, Sypal, Coufal, Svoboda, Krafka, Bauer, & Whitmore.

Voted nay: NONE.

Motion carried.

**Approval of Windstream Utility permit to bore a phone cable under the road at 2097 22 Road Dwight, NE**

Moved by Bauer, seconded by Krafka to approve the utility permit as presented. Upon roll call vote the following:

Voted aye: Bauer, Krafka, Svoboda, Coufal, Sypal, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Update on Roads**

Isham informed the board that the 2<sup>nd</sup> bridge was being backfilled today and should be crossable by day's end. He informed the board that the other bridge recently replaced is settling and he will be in contact with the motor grader operator in Linwood Township that he needs to be on that road once a week for a while. He said they will be in the Linwood Township area for the next several weeks cleaning ditches. He reported there was a small incident that was reported regarding a road being disced up, he said he went out and inspected it and there was no significant damage to the road.

**Human Resources Update**

Human Resources Director, Heidi Loges, reported that they have had several interviews for dispatch and will hopefully have a few new people hired soon.

**Set date & time to conduct employee evaluations**

The board discussed when to set the board appointed employee evaluations. Moved by Sypal, seconded by Coufal to set date & time for employee evaluations for August 7, 2023 at 1:00 p.m. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**County Clerk Monthly Fee Report**

The County Clerk fee report for the month of April 2023 was accepted and placed on file.

### **Monthly Sheriff Report**

The Monthly Sheriff Report for April 2023 was presented before the board. It was accepted and placed on file.

### **Region V Systems – Annual Update & Budget Request**

Patrick Kreifels from Region V Systems appeared before the board and gave the annual update and budget request for the upcoming fiscal year. Kreifels informed the board that the official budget request will come after the budget gets through the legislature; he provided handouts that calculated the potential request, the request could vary between a minimum request of \$20,919 or a maximum request of \$26,887; the maximum request is a 3% increase over the 2022-2023 fiscal year request.

### **Approval of full-time position to be shared with Treasurer’s office and County Attorney’s office**

County Attorney, Julie Reiter, and County Treasurer, Karey Adamy, appeared before the board to request hiring a full-time employee to be shared between both offices. Reiter informed the board that she has been budgeting for a part-time employee which was approved back in 2020, however, has not been able to fill the position. Adamy informed the board that she could really use a part-time employee to help during the busy times and fill in when vacations/time off is scheduled or when she has conferences/training that takes her out of the office. Both said it would be easier to find a full-time employee than it would to find a part-time employee and they are willing to split the employee’s time. Moved by Sypal, seconded by Coufal to approve a full-time position to be shared with the Treasurer’s office & the County Attorney’s office. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Steager, & Whitmore.

Voted nay: Krafka & Bauer.

Motion carried.

### **Public Hearing to Increase Transit Rates at Butler County Rural Transit**

Moved by Bauer, seconded by Coufal to open the public hearing at 10:15 a.m. Upon roll call vote the following:

Voted aye: Bauer, Steager, Sypal, Coufal, Svoboda, Krafka, & Whitmore.

Voted nay: NONE.

Motion carried.

Senior Center Director, Diana McDonald, presented before the board the proposed rate increases. She said in the 9 years she has been with the county the rates have never increased. She said in-town trips will increase \$0.25 to \$2.00 per trip, \$4.00 for a round trip. Out-of-town mileage increased from \$0.40 to \$0.50 per mile. McDonald said the special rate days will be the biggest change. She calculated how much it would cost to drive to Columbus, Omaha, & Lincoln and divided that price in half. Columbus trips will be \$11, Lincoln trips will be \$24, and Omaha trips will be \$28.

Supervisor Sypal asked if the prices were comparable to other facilities; McDonald said each is a little different, but the mileage rate is comparable.

Chairman Whitmore asked if there was any comment from the public. There was none.

Moved by Steager, seconded by Bauer to close the public hearing at 10:19 a.m. Upon roll call vote the following:

Voted aye: Steager, Bauer, Krafka, Svoboda, Coufal, Sypal, & Whitmore.

Voted nay: NONE.

Motion carried.

**Approval of Transit Rates for Butler County Rural Transit**

Moved by Sypal, seconded by Svoboda to approve the new transit rates for Butler County Rural Transit.

Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Approval of Title VI Plan & authorization for chairman to sign plan for Butler County Rural Transit**

Moved by Sypal, seconded by Coufal to approve the Title VI Plan & authorize the chairman to sign the plan for the Butler County Rural Transit. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Discussion/Possible action – Approval of Nebraska Department of Agriculture Noxious Weed Program 2022 Annual Evaluation for Butler County**

Butler County Noxious Weed Superintendent, Max Birkel, appeared before the board to present the Nebraska Department of Agriculture Noxious Weed Program 2022 Annual Evaluation for Butler County.

Moved by Steager, seconded by Bauer to approve the Annual Evaluation as presented. Upon roll call vote the following:

Voted aye: Steager, Bauer, Krafka, Svoboda, Coufal, Sypal, & Whitmore.

Voted nay: NONE.

Motion carried.

**Approval to stay overnight in Lincoln for the NAISMA Conference October 16 – 19**

Birkel requested permission to stay overnight in Lincoln for the NAISMA Conference October 16-19, 2023. Moved by Sypal, seconded by Coufal to approve Birkel to stay overnight in Lincoln for the NAISMA Conference October 16-19, 2023. Upon roll call vote the following:

Voted aye: Sypal, Coufal, Svoboda, Krafka, Bauer, Steager, & Whitmore.

Voted nay: NONE.

Motion carried.

**Discussion/Possible Action regarding Noxious Weed forced control 10 – 15-day notice(s)**

Birkel explained to the board that at the current time he does not have any need for a forced control 10- or 15-day notice; however, there is a parcel that has potential. Last year this parcel had thistles, however, due to the dryness the thistles never produced any rosettes. He has a feeling this Spring that may not be the case. He said there are no applicators that want to spray in the Spring, he is hoping he does not have to do a forced control, but there is potential, so he wanted to give the board a heads up.

At 10:31 a.m. the chairman declared the board would take a break.

At 10:35 a.m. the board reconvened.

**Letter from Butler County Chamber of Commerce - Approval to use Courthouse sidewalk & display Veteran's photos on windows & doors during David City's 150<sup>th</sup> Celebration July 28, 29 & 30, 2023**

Moved by Coufal, seconded by Sypal to approve the use of the use Courthouse sidewalk & display Veteran's photos on windows & doors during David City's 150<sup>th</sup> Celebration July 28, 29 & 30, 2023. Upon roll call vote the following:

Voted aye: Coufal, Sypal, Steager, Bauer, Krafka, Svoboda, & Whitmore.

Voted nay: NONE.

Motion carried.

**Correspondence**

1. Invitation to the Rural Fellows Meet & Greet Reception – Wednesday, May 31, 2023
2. Tall Grass Energy – want to discuss a Natural Gas line that starts in Polk County and runs to the Butler County Dairy

**Committee Reports**

Hospital Committee – Sypal & Steager discussed the last hospital meeting and the Hospital’s need to approach the board for bonds in the future. It was requested to have Don Naiberk come before the board to discuss the project.

Butler County Landfill Committee – Svoboda & Sypal met with the Landfill regarding the landfill and a possible future expansion.

**Approval of Resolution 2023 – 12 Authorization for the County Attorney to prosecute foreclosure of tax sale certificate #634**

Moved by Coufal, seconded by Sypal to approve Resolution 2023-12 as presented. Upon roll call vote the following:

Voted aye: Coufal, Sypal, Steager, Bauer, Krafka, Svoboda, & Whitmore.

Voted nay: NONE.

Motion carried.

**BOARD OF SUPERVISORS  
BUTLER COUNTY, NEBRASKA  
RESOLUTION NO. 2023-12**

**WHEREAS**, the Butler County is the owner and holder of Tax Sale Certificate Number 634 issued by Butler County, Nebraska for all delinquent regular taxes and/or special assessments thereon for the years set forth therein, under the provisions of Neb. Rev. Stat. Sec. 77-1809 (Reissue 2018);

**WHEREAS**, said certificate was sold to Butler County, Nebraska and the Certificate of Tax Sale was issued to Butler County, Nebraska; and

**WHEREAS**, Butler County, Nebraska is entitled to foreclose on the Tax Sale Certificate set forth above.

**NOW THEREFORE, BE IT RESOLVED** by the Butler County Board of Supervisors that the Butler County Attorney is directed to institute and prosecute foreclosure of Tax Sales Certificate Number 634 in accord with the provisions of Article 19, of Chapter 77 of the Nebraska Revised Statutes and other laws governing such procedure, on behalf of Butler County Nebraska and the State of Nebraska and other political subdivisions of the said State and municipal bodies on whose behalf such taxes and subsequent taxes and special assessments on said property were levied in foreclosing such certificate and subsequent special assessments and liens on said real estate.

MOVED by Coufal, 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>	_____	_____	_____

/s/Jan Sypal  
/s/Scott Steager  
/s/Scot Bauer  
/s/Tony Krafka

May 1, 2023

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

**Discussion regarding the duty of the Sheriff Department to respond to reports of State Law violations in the City of David City & Discussion regarding the responsibility of 911 Dispatch to notify and dispatch the Butler County Sheriff Department to reports of law violations in the City of David City**

County Attorney, Julie Reiter, informed the board that she had received a complaint regarding an incident when a state law violation was called into dispatch and the person was told to call the city. She also received concerns as to whether the Sheriff department would respond to state law violations in David City. Reiter expressed that the Sheriff department has jurisdiction over the entire county whether a city or village has a police agency and therefore has a duty to respond. She also said that dispatch is the dispatch for the County and the City, therefore they should dispatch accordingly. Sheriff Dion said that they will respond, they do not ignore calls. Discussion about scheduling came up and it was suggested the board go into executive session.

Moved by Steager, seconded by Coufal to enter executive session at 10:56 a.m. to discuss deployment of law enforcement personnel and invite County Attorney, Julie Reiter, Sheriff Tom Dion, 911 Coordinator, Jami Bowers and David City Police Chief Marla Schnell. Upon roll call vote the following:  
Voted aye: Steager, Sypal, Coufal, Svoboda, Krafka, Bauer, & Whitmore.  
Voted nay: NONE.  
Motion carried.

Moved by Coufal, seconded by Sypal to exit executive session at 11:32 a.m. Upon roll call vote the following:  
Voted aye: Coufal, Sypal, Steager, Bauer, Krafka, Svoboda, & Whitmore.  
Voted nay: NONE.  
Motion carried.

**Discussion – New 911 Tower**

The board discussed that Mark Doehling had emailed a few of them and told them that he would have an estimate for the tower by the next meeting on May 15<sup>th</sup>. The board discussed that the county would need to go out for bids for the tower.

**Discussion – Dust in Jail**

Sypal mentioned that she had received a few complaints about the amount of dust back in the jail and said she had talked to maintenance previously and they were looking into it.

There being no further business to come before the board, the Chairman adjourned the meeting at 11:35 a.m. The next scheduled meeting of the Board of Supervisors will be May 15, 2023, at 9:00 a.m.

Stephanie L. Laska  
County Clerk

Anthony Whitmore  
Chairman