

CHADRON, NEBRASKA
February 23, 2016
DAWES COUNTY BOARD OF COMMISSIONERS

The Public convened meeting of the Dawes County Commissioners in regular session was commenced at the hour of 9:03 A.M. on the 23rd day of February, 2016 and published pursuant to public notice as required by law. The meeting was called to order by Commissioner Stewart. Roll was called and the following Commissioners were present: Commissioners Stewart, Johnson and Rivera. Also present were Cheryl Feist, County Clerk; Adam Edmund, Deputy County Attorney; Bruce Hoffman; Jerry Schumacher; Mark Betson; Wayne Fisher; Casey Schuhmacher; Don Mandelko and Kerri Rempp, The Chadron Record. The Pledge of Allegiance was recited by those present. Per LB 898 the Chairman announced the location of posted information concerning the Open Meetings Act. Copies of the Act are available upon request by anyone attending the meeting. Motion by Commissioner Johnson, seconded by Rivera, approving the Agenda. Roll call, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. Commissioner Johnson moved to approve the February 09, 2016 minutes with the following notation to wit: the airport zoning resolution, not the committee report, will be addressed at today's meeting. Commissioner Rivera seconded the motion. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Claims were reviewed by all Board Members. Commissioner Johnson moved to approve all claims as submitted with exception of claim #16020227 in the amount of \$3,753.20 payable to River A Holdings. Commissioner Rivera seconded the motion. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. Commissioner Johnson, seconded by Stewart, moved to approve claim #16020227 payable to River A Holdings in the amount of \$3,753.20. Roll call vote, Ayes: Johnson and Stewart with Rivera abstaining from the vote. Nays: None. Motion carried.

Public Comment ensued later in the day with Sheriff Karl Dailey visiting with the Board re: Airport Zoning.

At 9:25 A.M. Sharon Rickenbach; Phyllis Carlson and Bernard Cripps met with the Board re: Historical Museum funding. Sharon Rickenbach read aloud a letter describing the museum's function and resources available to the public free of charge. Bernard Cripps expanded on the museum's increasing expenditures and explained there aren't enough revenues coming in to meet expenditures. They requested an increase in the quarterly payments currently being made by the County. The asked about membership recruitment. Phyllis Carlson informed the Board recruitment efforts are on-going, however; advertizing costs money. The Board asked what they were thinking about for a dollar amount. Mr. Cripps indicated for the record if the museum could recoup what they pay in property taxes for the farm, approximately \$2800.00 this would be appreciated. The Board will consider their increase in quarterly funding during budget time.

At 9:43 A.M. Alan Connell, Veteran Service Officer, met with the Board. He requested an increase in his county credit card due to costs associated with travel/conventions, etc. Discussion ensued. Commissioner Rivera, seconded by Johnson, moved to increase all First Bankcard credit limits from \$500.00 to \$1,000.00. Roll was called, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. The County Clerk will contact First Bankcard and request the credit increase for all departments. The Board recessed at 9:47 A.M. and reconvened to regular session at 9:56 A.M.

At 9:57 A.M. Larry Hankin, Highway Superintendent, approached the Board and briefly explained the purpose of the ensuing Public Hearing. The Chairman declared the Public Hearing open at 9:58 A.M. re: closure of the following road to wit: Portion of Road #7, Commencing at the Northwest corner of Section 10, Township 32 North, Range 51 West of the 6th P.M., Dawes County Nebraska, then running south on the section line between sections 10 and 11 a distance of approximately $\frac{3}{4}$ of a mile to the point when it intersects the north of County Road known as Old Highway 20. A physical description of Brown Road south to Old Highway 20 was shared with those present. No one from those present shared input or suggestions regarding said closure of Road No. 7. The Chairman declared the Public Hearing closed at 10:00 A.M. Resolution No. 11-2016 officially closing said road will be adopted at the March 08, 2016 Commissioner meeting. Road updates include the following to wit: All Districts are blading roads, some red rock has been hauled and graveling is being done on Hughbanks Road. District 3 is spot graveling. Don Mandelko inquired about the possibility of District 1 grading and doing snow

removal on Airport, N. Whitney Lake and Mayflower Roads. Mr. Hankin informed Mr. Mandelko this was something he would look into. Mr. Hankin also reported crew members will be taking Red Card training next month and the 770BH motor is apart for rebuild by Young's Repair. Dave Muck, Ferber Engineering, joined the meeting in progress to discuss the Lemmon Bridge project. He presented three different options available to the county. 1. Acquire ROW to West; 2. Low water crossing or 3. 50' bridge. Discussion ensued. The Board asked for costs associated with the three options. Mr. Muck indicated he had no costs available to share but will provide this information to Mr. Hankin. The Board will look into acquiring the ROW for this project.

At 10:27 A.M. The Chairman declared the Public Hearing open re: One and Six Year Road Plan. Those present were Larry Hankin, Highway Superintendent; Bruce Hoffman; Jerry Schumacher; Mark Betson; Wayne Fisher; Casey Schuhmacher; Don Mandelko and Kerri Rempp, The Chadron Record. Mr. Hankin went over the One and Six Year Plan. The Chairman asked if anyone from the Public wished to comment on the proposed plan. Don Mandelko reported the stringer on bridge over Chadron Creek located on Mayflower Road is broke. This will be added to maintenance projects this year. He also expressed concern with creek drainage on same bridge. Mr. Hankin will get with him to address the issue. Casey Schuhmacher reported the Road Department did a good job on Lone Tree Road, however; weeds now need to be addressed. He also suggested Mr. Hankin work with the Irrigation Board re: Whitney Lake Road. There being no further comment from the Public the Chairman declared the Public Hearing closed at 10:42 A.M. A complete copy of the One and Six Year Road Plan for Dawes County is available for public inspection during normal business hours at the office of the Highway Superintendent. Commissioner Johnson introduced Resolution No. 12-2016 approving and accepting the One and Six Year Road Plan as presented and directed the Board to sign the resolution. Commissioner Rivera seconded the motion. Roll was called, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried.

The next order of business was adoption of Resolution No. 14-2016 re: Joint Airport Zoning Board. Those joining the meeting were J.F. and Cathy Policky; Mike and Ronda Pohl and Lindy Coleman, Assessor. The Assessor reported the resolution in front of the Board is the result of several hours and requests made by the Dawes County Zoning Board in reviewing the proposed Airport Zoning Ordinance. It's clear in light of past/recent events, the City of Chadron and Dawes County need to dissolve the Joint Airport Zoning Board. Discussion ensued. Commissioner Rivera indicated for the record he has reservations about the legality of the resolution being considered for adoption. Adam Edmund, Deputy County Attorney, reported he has reached out to NACO (National Association of County Officials) and Kandi Bremmer, NDA on the issue. Lindy Coleman, Assessor, reminded those present that Kandi Bremmer is simply a Liaison, not an Attorney. Don Mandelko indicated if there is a question as to the legality of the resolution before the Board, they need to seek outside counsel. Commissioner Stewart indicated for the record this has been done. Essentially adoption of this resolution will sever the Joint Airport Zoning Board created in 1956 and release county representatives serving on the Board. Casey Schuhmacher asked what will happen to the three (3) mile area and who will administer zoning for this area? J.F. Policky reminded those present rescinding county members of the Joint Airport Zoning Board effectively would turn all decisions of the Joint Airport Zoning Board over to the remaining city members of the Board. He went on to say he feels both entities involved with this issue can work together and is the only fair way to handle current/ensuing issues surrounding Airport Zoning. He also reported the NDA and FAA currently recognize the Joint Airport Zoning Board and as such, the Board still has the authority to issue permits, etc. Jerry Schumacher praised the people serving on the Joint Airport Zoning Board, however; he disagrees that anything has changed from when the Joint Airport Zoning Board relinquished their authority to the City Manager in 1980. He went on to say he doesn't see the Joint Airport Zoning Board as a functioning Board due to changes made over the years since the adoption of the 1956 resolution. He also feels the Dawes County Zoning Board is very capable of administering and regulating zoning. J.F. Policky responded by saying he doesn't think anyone can guarantee the county will have jurisdiction over the three (3) mile area currently maintained by the City of Chadron. He promised those present the Joint Airport Zoning Board is very capable of addressing any issues that may arise and feels the Joint Airport Zoning Board should remain in place to eliminate future issues that could arise. Adam Edmund, Deputy County Attorney, reported the NDA Attorney is now involved and read aloud an email received from the Attorney for NDA. Lindy Coleman, Assessor,

responded it's very clear the Joint Airport Zoning Board isn't working and a decision needs to be made. Don Mandelko reiterated the Joint Airport Zoning Board turned their authority over to the City Manager in 1980. Commissioner Johnson reported he has visited with John Coates, Chadron City Council member, and Mr. Coates indicated not once has anyone approached the City Council with this issue. It was noted for the record that twice the Chairman of the Dawes County Zoning Board has been denied an appointment with the City Council to address the issue. Commissioner Rivera again reiterated all legal bases should be covered prior to the county adopting a resolution dissolving their participation in the Joint Airport Zoning Board. Jerry Schumacher again expressed concern the Joint Airport Zoning Board can work in light of the proposed ordinance that was turned over to the Dawes County Zoning Board to review. Wayne Fisher added he doesn't feel the Joint Airport Zoning Board can function in light of recent events and should be restrained. Mr. Pohl indicated for the record county representatives should remain on the Joint Airport Zoning Board. Casey Schuhmacher reported the original intent was to address height restrictions which has evolved in total disrespect for rural residents and elected officials. Mark Betson, Chairman of Dawes County Zoning Board, reported the original proposal angered him. He doesn't feel the Joint Airport Zoning Board is effective. J.F. Policky agreed with the Assessor's information, however; the ordinance draft has been attacked, mutilated, laughed at, etc. but a lot of work went into the proposed draft and it wasn't meant to slap anyone in the face. The Joint Airport Zoning Board simply wanted input/suggestions from the Dawes County Zoning Board. He went on to say the Joint Airport Zoning Board has been waiting approximately a year for feedback and announced they will be meeting to solicit input in the near future. Don Mandelko reported when the Zoning Board received the original proposed draft, they reached out for direction and input on how this type of ordinance should be drafted and they didn't see the NDA ordinance draft until December of 2015. He wants to see the county handle zoning in those area's the county has jurisdiction. Commissioners Rivera and Johnson want input from the City of Chadron before acting on the resolution before them. Adam Edmund, Deputy County Attorney, expressed concern with the county losing representation on the Joint Airport Zoning Board, due to the fact that the NDA only recognizes the authority of the Joint Airport Zoning Board. Commissioner Johnson moved to table adoption of Resolution No. 14-2016 until March 08, 2016. Commissioner Rivera seconded the motion. Roll was called, Ayes: Johnson and Rivera; Nays: Stewart. Motion carried. The Board recessed at 12:05 P.M. and reconvened to regular session at 12:18 P.M.

At 12:19 P.M. Dan Wordekemper, Weed Superintendent, met with the Board. He reported he has been elected to represent Region 5 of the Nebraska Weed Control Association. He presented the Noxious Weed Infestation Report for the Chairman's signature. Commissioner Johnson moved to direct the Chairman to sign the Noxious Weed Infestation Report. Commissioner Rivera seconded the motion. Roll was called, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Mr. Wordekemper informed the Board he will be putting together an educational flyer to distribute re: Ride. Clean. Go. Mr. Wordekemper discussed the recent Weed Grant he received and reported the contracted line item in his budget is used for forced weed control so he can't use it to expend the grant. Discussion ensued. The Clerk will contact the State Auditor's Office to get direction on what line item(s) can be added to the Weed Department budget so the grant can be expended. A tag fee schedule was discussed but no action taken at this time.

At 12:35 P.M. A motion to enter executive session at 12:35 P.M. for a performance evaluation was made by Commissioner Johnson, seconded by Rivera. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. At 12:44 P.M. a motion to reconvene to regular session was made by Commissioner Johnson, seconded by Rivera. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. No action was taken during executive session.

At 12:45 P.M. Tracy Cloyd, HR Director, met with the Board. Also present was Lindy Coleman, Assessor. Ms. Cloyd expressed concern with the County Clerk still having administrative access to the NIRMA Interact portal. The County Clerk will contact NIRMA and have her administrative access removed effective immediately. Ms. Cloyd reported the Personnel Policy Board met. Members are Lindy Coleman, Phil Curd, Vic Rivera and Tracy Cloyd. Discussion ensued as to wording of an amendment that Ms. Cloyd presented for the Boards review and adoption. There appeared to be a disagreement between the HR Director and Assessor on wording of the amendment and a motion that had been made during the Personnel Policy Committee meeting. Commissioner Rivera moved to enter executive session at 1:00

P.M. re: legal issues. Commissioner Johnson seconded the motion. Roll was called, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. At 1:15 P.M. Commissioner Johnson, seconded by Rivera, moved to reconvene to regular session. Roll was called, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. No action was taken during executive session. Commissioner Stewart informed those present the Personnel Policy Board will be put on hold until further notice and the performance evaluation of the HR Director will be moved to April 12, 2016. The County Clerk presented information regarding the Chadron Record progress editions. Commissioner Rivera, seconded by Johnson, moved to participate in both the Agriculture and Community progress editions with publication one time for each edition. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. A surplus request from the County Attorney's Office was reviewed. Commissioner Johnson, seconded by Rivera, moved to approve the request. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried.

At 1:25 P.M. Commissioner Johnson, seconded by Rivera, moved to enter executive session for a performance evaluation. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. At 1:50 P.M. Commissioner Johnson, seconded by Rivera, moved to reconvene to regular session. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. No action was taken during executive session.

At 1:51 P.M. Commissioner Rivera, seconded by Johnson, moved to enter executive session for a performance evaluation. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. At 2:04 P.M. Commissioner Johnson, seconded by Rivera, moved to reconvene to regular session. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. No action was taken during executive session.

At 2:05 P.M. Commissioner Johnson, seconded by Rivera, moved to enter executive session for a performance evaluation. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. At 2:23 P.M. Commissioner Johnson, seconded by Rivera, moved to reconvene to regular session. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. No action was taken during executive session.

The Board reviewed and approved all monthly fee/mileage reports of the various departments. As previously recorded in these minutes Board Members Webb Johnson and Vic Rivera visited with Sheriff Karl Dailey in Public Comment regarding airport zoning issues. Commissioner Stewart left the meeting.

There being no further business before the Board, the Vice Chairman adjourned the meeting at 2:55 P.M. The next meeting of the Dawes County Commissioners will be March 08, 2016 beginning at 9:00 A.M. with Board of Equalization meeting, followed by the Commissioner meeting at approximately 9:15 A.M. Both meetings will be held in the former County Courtroom at the Courthouse. A current agenda is available at the Clerk's Office during normal business hours but will close at 12:00 P.M., March 03, 2016. **Disclaimer: A complete text of all resolutions passed by the Board is available upon request in the County Clerk's office during normal business hours.**

ATTEST: _____
Cheryl Feist
Dawes County Clerk

DAWES COUNTY COMMISSIONERS

February 23, 2016 the following claims were audited, allowed and warrant orders drawn on their respective accounts: Key for Claims: 100=General Fund; 200=Roads Fund; 650=Hwy Bridge Buyback Program Fund; 990=Visitor's Fund; 1100=Reappraisal Fund; 1150=Preservation & Modernization Fund; 1900=Veterans Aid Fund; 2360=Drug Fund; 2500=Grants Fund; 2700=Inheritance Fund; 2910-911=Emergency Communications; 2913=Wireless Communications; 4000=Courthouse Bond Payment Fund.

FUND	NAME	TOTCLAIMS
100	AFLAC	\$550.07
100	AMERITAS LIFE INSURANCE CORP	\$8,917.49
100	AS CENTRAL SERVICES	\$339.80
100	BIG BAT'S LLC-EXTENSION	\$41.47
100	BIG BAT'S SHELL-WEED	\$55.91

100	BLUE CROSS & BLUE SHIELD OF NE	\$27,418.76
100	BOX BUTTE GENERAL HOSPITAL	\$274.00
100	CENTURYLINK	\$202.56
100	CENTURYLINK LONG DIST-ASSESSOR	\$16.06
100	CENTURYLINK LONG DIST-CLERK	\$8.85
100	CENTURYLINK LONG DIST-COMMISSIONERS	\$7.95
100	CENTURYLINK LONG DIST-COUNTY COURT	\$17.79
100	CENTURYLINK LONG DIST-CUSTODIAN	\$3.00
100	CENTURYLINK LONG DIST-EXTENSION	\$35.24
100	CENTURYLINK LONG DIST-SHERIFF	\$27.15
100	CENTURYLINK LONG DIST-TREASURER	\$14.20
100	CENTURYLINK LONG DIST-WEED	\$4.20
100	CHADRON ACE HARDWARE	\$219.41
100	CHADRON COMMUNITY HOSPITAL & HEALTH	\$102.90
100	CHADRON EXPRESS LUBE	\$55.85
100	CHADRON MOTOR COMPANY	\$38.74
100	CHADRON PUBLIC SCHOOLS	\$277.53
100	CHRISTINE KARELL-MENTAL HEALTH ALLI	\$350.00
100	TRACY CLOYD	\$57.78
100	ROBERTA COLEMAN	\$159.99
100	CULLIGAN-ASSESSOR	\$11.50
100	CULLIGAN-CO ATTORNEY	\$15.75
100	CULLIGAN-PUBLIC DEFENDER	\$10.00
100	CULLIGAN-WEED	\$11.50
100	D&S MARKET,LLC	\$1,284.19
100	DAVE'S PHARMACY	\$235.14
100	DAWES COUNTY SHERIFF'S OFFICE	\$28.00
100	DAWES COUNTY TREASURER	\$368.00
100	FIRE & ICE MECHANICAL	\$391.83
100	FIRST BANKCARD/PUBLIC DEFENDER	\$99.05
100	FIRST BANKCARD	\$100.67
100	FIRST NATIONAL BANK, NORTH PLATTE	\$15,237.72
100	GREAT PLAINS COMMUNICATIONS	\$299.00
100	GREATER NE MEDICAL AND SURGICAL SER	\$146.00
100	IDEAL LINEN SUPPLY,INC	\$20.84
100	DANIEL R JOHNSON,DDS	\$209.00
100	KCSR-AM	\$63.34
100	MANNA SYSTEMS AND CONSULTING	\$431.50
100	MIDWEST RADAR & EQUIPMENT	\$320.00
100	MIDWEST SPECIAL SERVICES	\$771.00
100	NACVSO TREASURER	\$300.00
100	NE ASSOC CO CLERKS,REG DEEDS,ELEC C	\$50.00
100	NE HEALTH AND HUMAN SERVICES SYSTEM	\$93.00
100	NEBRASKA DEPARTMENT OF REVENUE	\$1,647.39
100	NEBRASKA DEPARTMENT OF REVENUE/LEVY	\$25.00
100	NEBRASKA PUBLIC POWER DISTRICT	\$1,937.30
100	NEBRASKA SAFETY & FIRE EQUIP INC	\$615.00
100	NEBRASKA TOTAL OFFICE/EXTENSION	\$126.20
100	NEBRASKA TOTAL OFFICE/PUBLIC DEFEND	\$89.08

100	NEBRASKA TOTAL OFFICE/SHERIFF	\$67.98
100	NEBRASKA TOTAL OFFICE/TREASURER	\$6.84
100	QUALITY TIRE	\$39.88
100	QUILL CORPORATION	\$312.97
100	RADIOLOGY IMAGING OF NEBRASKA,LLC	\$53.00
100	RAPID CITY JOURNAL-WEBSITE	\$99.00
100	RAPID CITY JOURNAL/COMMISSIONERS	\$270.97
100	RAPID CITY JOURNAL/TREASURER	\$66.27
100	SADDLE ROCK ONE STOP	\$788.07
100	SKAVDAHL & EDMUND	\$5,233.28
100	STANARD APPRAISAL SERVICES INC	\$534.00
100	THOMSON WEST PAYMENT CENTER	\$611.00
100	MICHAEL T VARN,ATTORNEY AT LAW	\$503.40
100	VERIZON WIRELESS/SHERIFF	\$573.20
100	VERIZON WIRELESS-WEED	\$63.35
100	VSP VISION PLAN	\$200.01
100	DAN WORDEKEMPER	\$348.84
100	XEROX CORPORATION/VETERANS OFFICE	\$105.37
200	A & H TRUCK SALVAGE,INC	\$75.00
200	CURT ACKERMAN	\$3,675.00
200	ADAMS-ISC LLC	\$3,752.00
200	AFLAC	\$254.52
200	AMERITAS LIFE INSURANCE CORP	\$1,018.17
200	B & C STEEL CORPORATION	\$1,276.26
200	BIGHORN AUTO SUPPLY	\$3.44
200	BLUE CROSS & BLUE SHIELD OF NE	\$2,077.65
200	BRAD'S TRUCK SERVICE	\$285.00
200	BRENNAN ELECTRIC	\$1,005.14
200	CENTURYLINK LONG DIST-DIST #1 ROADS	\$21.47
200	CULLIGAN-ROADS	\$5.75
200	DAWES COUNTY TREASURER	\$55.00
200	EXCEL TRUCK & TRAILER REPAIR,INC	\$1,863.05
200	FIRST BANKCARD/LARRY HANKIN	\$60.03
200	FIRST NATIONAL BANK, NORTH PLATTE	\$3,061.23
200	HOLIDAY INN EXPRESS,LINCOLN AIRPORT	\$89.00
200	MOTION INDUSTRIES,INC	\$435.92
200	NEBRASKA DEPARTMENT OF REVENUE	\$527.11
200	NEBRASKA PUBLIC POWER DISTRICT	\$128.92
200	NMC EXCHANGE LLC/NEBRASKA MACHINERY	\$9,614.04
200	NORTHERN TRUCK EQUIPMENT CORP	\$266.00
200	NORTHWEST RURAL PUBLIC POWER DIST	\$174.99
200	PANHANDLE COLLECTIONS,INC	\$158.69
200	PETERSEN DRUG	\$399.99
200	RIVER A HOLDING LLC	\$3,753.20
200	SCOTT ROBERTS ELECTRIC INC	\$25.32
200	STERN OIL CO,INC	\$1,679.99
200	STURDEVANT'S AUTO PARTS	\$297.63
200	VSP VISION PLAN	\$113.21
200	WESTCO	\$1,554.97
200	XEROX CORPORATION/ROADS	\$83.95

800	ALBERTSON ENGINEERING,INC	\$1,562.24
990	AFLAC	\$13.45
990	AMERITAS LIFE INSURANCE CORP	\$57.17
990	BLUE CROSS & BLUE SHIELD OF NE	\$91.07
990	CENTRAL DISTRIBUTING CO,INC	\$747.66
990	FIRST BANKCARD/TOURISM	\$553.24
990	FIRST NATIONAL BANK, NORTH PLATTE	\$171.51
990	FORT ROBINSON CENTENNIAL,INC	\$1,500.00
990	NEBRASKA DEPARTMENT OF REVENUE	\$29.57
990	RAPID CITY JOURNAL/VISITOR PROMO	\$3.31