

CHADRON, NEBRASKA

March 28, 2023

DAWES COUNTY BOARD OF COMMISSIONERS

The Public convened meeting of the Dawes County Commissioners in regular session commenced at the hour of 9:00 A.M. on the 28th day of March, 2023 pursuant to public notice as required by law. The meeting was called to order by Chairman Webb Johnson. Board Members present were Vic Rivera and Jake Stewart. Also present was Cheryl Feist, Dawes County Clerk, Wade Yada, Highway Superintendent; Kay Hill, Human Resources Director; Adam Edmund, Deputy County Attorney; John and Kaylynn Mai, Terry Curtis, Attorney; David and Matz Shumway and Jamian Simmons. The Pledge of Allegiance was recited by those present. Per LB 898, Commissioner Johnson announced the location of the Open Meetings Act located on the door by the United States Flag. Copies of the Act are available upon request. Commissioner Stewart, seconded by Commissioner Rivera, moved to approve the agenda noting the change in name re: 10:30 A.M. appointment to Brad Streeks. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. Motion by Commissioner Rivera, seconded by Stewart, to approve the minutes of the March 14, 2023 meeting as recorded. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. Correspondences acknowledged by the Board included a letter received from the State Auditors re: continuing education hours and the 2022 4-H report. Kerri Rempp, Tourism Director, joined the meeting. Claims were reviewed. Motion by Commissioner Stewart, seconded by Rivera to approve all claims as presented with the exception of the claim to Angie Toof until such time the Board can visit with the Treasurer. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Sam Wellnitz, Treasurer, briefly joined the meeting to let the Board know that the claim to Angie Toof was for credit card reconciling. Commissioner Stewart, seconded by Rivera, approving the claim to Angie Toof in the amount of \$3,043.75. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried.

Public Comment ensued with Kerri Rempp notifying the Board that High Plains Homestead will be on the passport program and the Toadstool Campground is being expanded to accommodate the projected visitors. She asked that the County Roads be in stable condition for those traveling. The passport program will bring a lot of people to the area. The Board presented reports from the various entities they sit on Boards for. **Rivera:** No Reports; **Stewart:** NNDC met, they are actively recruiting new businesses to the area. To date we have added a coffee house and retail food establishment. At the annual meeting held a new Board was put in place with an active member from the Crawford area. NCAP met, a finance committee meeting was held. They are four (4) months into the Head Start Grant. A St. Patty's/Recognition Party was held for RSVP volunteers. Region 23 met and held the annual LEOP (Local Emergency Operations Plan) meeting. LEOP addressed emergency situations the area may encounter. A budget meeting is planned for May of 2023. SWANN met; Duane Rhembrandt tenured his resignation. The SWANN Board thanked him for the many years of service. **Johnson:** Area Aging met, they went over the annual plan (which is a four (4) year plan). They are using ARPA funding to purchase equipment for nutrition sites. The conference room now has new screens and the rest of the meeting was business as usual. PADD met, audit concerns/payment thereof was discussed. The High Plains Weed Management and RC&D have dissolved their boards. The Department of Agriculture will be contacted to see if PADD can take over meeting(s). OHD met and is still looking for a group home, more referrals continue to come in. The Executive Director was given the go ahead to apply for any vehicles coming up. The Red Card training went well with several entities participating in the event.

At 9:30 A.M. Wade Yada, Highway Superintendent, met with the Board. Road updates included all districts are grading roads, repairing roads and servicing equipment. District 3 has a piece of equipment in Scottsbluff. District 1 has two (2) openings. Murphy Tractor will meet with Pete Emerson today to make plans to remove the crusher. Discussion ensued regarding equipment operation and CDL's were briefly discussed. In other business the Board adopted two (2) resolutions to wit: Resolution No. 2023-10 addressing LEOP was introduced by Commissioner Stewart, seconded by Rivera. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. Resolution No. 2023-11 addressing amount of copy fee charges by the Clerk's Office was introduced by Commissioner Stewart, seconded by Rivera. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried.

At 9:40 A.M. Brad Streeks, Custodian, reported there are several leaks in the Jail facility plumbing. One leak has been fixed but there is a leak under the cabinet in the kitchen that will require the wall being jack hammered to fix. The Board indicated for the record to fix any other leaks they may come upon in the process and replace the cabinet top. Mr. Streeks also presented a application for use of the Courtyard to host “ Walk a mile in my shoes” addressing domestic violence. Kay Hill, Human Resource Officer went over a burial request with the Board. Commissioner Stewart, seconded by Rivera, moved to approve the burial request. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. The Board recessed at 9:47 A.M. to move the meeting to the Courtroom for a public hearing. At 9:59 A.M. the Board reconvened in the Courtroom.

At 10:00 A.M. The Chairman declared the public hearing open regarding Road No. 50. He outlined the procedure for testifying. Wade Yada, Highway Superintendent, summarized his road study for those present and recommended Road No. 50 not be closed. Commissioner Rivera asked about reclassifying the road re: expense to the County. Mr. Yada responded not very costly. The following was comments/testimony made by members of the Public relevant to closing of Road No. 50 to wit: **Terry Curtiss**, Attorney for John and Kaylynn Mai spoke on their behalf. He indicated seven (7) years ago a portion of Road No. 50 was closed according to Curtiss. The Road doesn't currently meet minimum standards according to Curtiss. Auto gates are 16' in cement structures to aid in drainage of the road. The auto gates were installed by John Mai. These auto gates would need to be addressed if the road is reclassified to rural residential. Mr. Curtiss then presented an opinion by Donald Brush, Surveyor, regarding a Goffena easement. He contends the road was there when Ms. Goffena was alive. He went on to say that Mr. Mai has spent well over \$100,000.00 on said road. The road was built from input from Ron Amack according to Curtiss. Commissioner Rivera asked if Mr. Mai changed the original road. Mr. Curtiss went on to say the road in question will need to have significant money and maintenance if the County keeps the road open. Does the County want to keep the road in operational order? Mr. Curtiss feels the road will be more of a burden than a benefit to Dawes County. **Clifford Stehle**, John Mai's hired hand informed those present he spent eighty (80) hours on a four wheeler clearing snow so he could transport his children and get to cattle. The County only came and did approximately 1/3 of snow removal. If it remains a county road there needs to be two-lane traffic and a proper turn around. Commissioner Rivera asked if the County was ever called to come clear the road. Mr. Stehle replied no. **Jamian Simmons**, Attorney for Mike and Diana Lecher spoke next. She indicated for the record that none of what was said regarding the Goffena easement aren't true. This issue has been litigated and a decision was made by the Courts. She read aloud a paragraph from the Road Standards and agrees with the remote residential classification for the road. In addition, the road can't be abandoned from Buttermilk as the starting point of abandonment isn't clearly defined in the petition request. The section line is a non-issue according to Simmons. The County is where they are at re: Road No. 50 because Mr. Mai didn't Study road records before changing the road in question. This road is used by more than just Mr. Mai according to Simmons. **Stacy Swinney** indicated when he was Commissioner the fires of 2006 and 2012 access to Buttermilk Road was crucial. To close a road or deny access is going backwards for Dawes County. Its very costly to close roads and limit access to Federal Lands. He went on to say access from Federal Lands to Buttermilk Road need addressed. **David Shumway** reported that a portion of Road No. 50 was partially abandoned in 2016 by the Board. Larry Hankin, Highway Superintendent at that time found the road to be a public road in his study. Mai's attempting to circumvent the ruling made by the Board of Commissioners in 2016 and the Courts subsequently. Mr. Mai wouldn't provide an easement to Mr. Shumway but access was given to the Lecher's. Mr. Shumway also agrees that public records weren't looked at prior to any road work done by Mr. Mai. Additionally, No Trespassing, Private Property signs were put up by Mr. Mai. Abandonment at this point would allow Mr. Mai to keep his signs and cattle guards. Ingress and Egress should be available to all the public. He reported the SW1/4 of his land has been sold to his son. Road No. 50 was a pre-age road built by Homesteaders 130 years ago, not by Mr. Mai. Only the county can reconstruct roads so leave the road alone. The petition language also has errors according to Shumway. Maintenance of a public road belongs to the county, not John Mai. He went on to say that Mai never received or applied for any permits prior to changing the road in question. The Public Hearing closed at 10:54 A.M. The Chairman informed those present a decision regarding the petition request of Road No. 50 will be

addressed at the next Commissioner meeting. The Board recessed at 10:55 A.M. to return to the Commissioner's room to finish the meeting. At 10:58 A.M. the Board reconvened to regular session.

At 11:00 A.M. Sam Wellnitz, Treasurer, met with the Board. He reported there will be finding on stuff he wasn't aware of. He feels the audit is close to being done. He would like to address the audit findings at a later date. He addressed the continuing education requirements received from the Auditor's. There being no further business before the Board the meeting was adjourned at 11:07 A.M. The next meeting of the Dawes County Commissioners will be held on April 11, 2023 beginning at 9:00 A.M. with a Board of Equalization Meeting, followed by the Commissioner Meeting at approximately 9:20 A.M. The meeting(s) will be held in the Commissioner Room. The agenda will close at noon on April 06, 2023. **All Resolutions adopted by the Dawes County Board of Commissioners are available for public inspection during normal business hours of the County Clerk's Office.**

ATTEST: _____
Cheryl Feist
Dawes County Clerk

DAWES COUNTY COMMISSIONERS

March 28, 2023 the following claims were audited, allowed and warrant orders drawn on the respective accounts: Key for claims: 100=General Fund; 200=Roads Fund; 650=HwyBridgeBuyback Program Fund; 990=Visitor's Fund; 1100=Reappraisal Fund; 1150=Preservation&Modernization Fund; 1900=Veterans Aid Fund; 2360=Drug Fund; 2500=Grants Fund; 2501=CDGB Fund 2700=Inheritance; 2910-911=Emergency Communications; 2913=Wireless Communications; 4600= Bond Payment Fund

FUND	NAME	TOTCLAIMS
100	AFLAC	\$1,698.37
100	AMERITAS LIFE INSURANCE CORP	\$10,980.46
100	AT&T MOBILITY	\$492.22
100	BLACK HILLS ENERGY	\$209.70
100	BLUE CROSS & BLUE SHIELD OF NE	\$37,056.57
100	DENNIS BLUNDELL	\$40.00
100	GARY R BRIDGES JR	\$72.71
100	CASH-WA DISTRIBUTING CO	\$2,069.62
100	CENTURY BUSINESS PRODUCTS INC	\$286.56
100	CHADRON ACE HARDWARE	\$177.23
100	CHADRON COMMUNITY HOSPITAL & HEALTH	\$1,330.39
100	CHADRON MEDICAL CLINIC	\$129.35
100	CLERK OF DIST COURT ASSOCIATION	\$75.00
100	CRITES,SHAFFER,CONNELLY,WATSON,HARF	\$1,020.00
100	WENDY C CUTTING	\$236.00
100	KARL DAILEY	\$17.71
100	DAS STATE ACCOUNTING	\$199.88
100	DAWES COUNTY TREASURER	\$498.50
100	DENVER SHERIFF CIVIL	\$41.05
100	EAGLE COMMUNICATIONS INC	\$55.00
100	FIRE & ICE MECHANICAL	\$112.76
100	FIRST BANKCARD/PUBLIC DEFENDER	\$378.05
100	FIRST NATIONAL BANK, NORTH PLATTE	\$18,652.70

100	GREAT PLAINS COMMUNICATIONS	\$2,056.43
100	GREAT PLAINS REPORTING	\$921.75
100	HARRIS SALES COMPANY INC	\$125.70
100	IDEAL LINEN SUPPLY,INC	\$146.64
100	JUSTICE FIRE & SAFETY,INC	\$154.25
100	KCSR-AM	\$385.00
100	KONE,INC	\$2,766.72
100	LUMEN TECHNOLOGIES,LLC	\$15.42
100	LUMEN TECHNOLOGIES GROUP	\$25.28
100	LUMEN TECHNOLOGIES,LLC	\$5.97
100	MIPS INC	\$75.00
100	NE HEALTH AND HUMAN SERVICES SYSTEM	\$84.00
100	NE PUBLIC HEALTH ENVIRONMENTAL LAB	\$210.00
100	NEBRASKA DEPARTMENT OF REVENUE	\$2,601.10
100	NEBRASKA PUBLIC POWER DIST-WEED	\$252.22
100	PETERSEN DRUG	\$126.59
100	PROTEX CENTRAL INC	\$103.00
100	QUADIENT LEASING USA,INC	\$1,650.00
100	SCOTTS BLUFF CO DETENTION CENTER	\$11,420.00
100	SHERIDAN COUNTY SHERIFF DEPARTMENT	\$40.00
100	THOMSON WEST PAYMENT CENTER	\$1,624.00
100	ANGELA TOOF	\$3,043.75
100	UNIVERSITY OF NE-LINCOLN INTERNET	\$600.00
100	VIAERO WIRELESS-WEED	\$82.88
100	VSP VISION PLAN	\$265.10
100	XEROX CORPORATION/E911	\$469.10
100	XEROX CORPORATION/SHERIFF	\$75.64
200	AFLAC	\$418.71
200	AMERITAS LIFE INSURANCE CORP	\$1,150.61
200	BEGUIN PROPANE	\$1,588.75
200	BLACK HILLS ENERGY	\$1,575.00
200	BLUE CROSS & BLUE SHIELD OF NE	\$1,190.55
200	DAWES COUNTY TREASURER	\$75.00
200	FIRST NATIONAL BANK, NORTH PLATTE	\$3,233.45
200	JOHN DEERE FINANCIAL-ROADS	\$1,602.61
200	LUMEN TECHNOLOGIES GROUP	\$5.97
200	MONTANA CSED SDU-WAGE WITHOLDING	\$165.00
200	MSC INDUSTRIAL SUPPLY CO	\$49.88
200	NEBRASKA DEPARTMENT OF REVENUE	\$723.73
200	PHILLIPS F & T INC	\$3,969.00
200	VSP VISION PLAN	\$72.26
200	XEROX CORPORATION/ROADS	\$110.86

990	AFLAC	\$13.20
990	AMERITAS LIFE INSURANCE CORP	\$74.66
990	BLUE CROSS & BLUE SHIELD OF NE	\$114.52
990	FIRST NATIONAL BANK, NORTH PLATTE	\$131.72
990	NEBRASKA DEPARTMENT OF REVENUE	\$25.79
990	VSP VISION PLAN	\$9.78
2500	CHADRON PUBLIC SCHOOLS	\$3,738.53
2501	DIERKSEN ENTERPRISES LLC	\$7,135.00
2910	AMERITAS LIFE INSURANCE CORP	\$3.38
2910	CENTURYLINK	\$58.24
2910	FIRST NATIONAL BANK, NORTH PLATTE	\$13.61
2910	INTRALINKS,INC	\$156.99
2910	NE REGIONAL INTEROPERABILITY NETWORK	\$2,400.00
2910	NEBRASKA DEPARTMENT OF REVENUE	\$3.24
2913	CENTURYLINK	\$248.26