

CHADRON, NEBRASKA
December 22, 2015
DAWES COUNTY BOARD OF COMMISSIONERS

The Public convened meeting of the Dawes County Commissioners in regular session was commenced at the hour of 8:39 A.M. on the 22nd day of December, 2015 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; Andy Curd, Laurie Norman, Wayne Fisher, Gary Fisher, Mark Betson and Tracy Cloyd, HR Department. 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, amending the Agenda to include the Highway 20 Law Enforcement Agreement due to timeliness in return of the agreement; Travel Board appointment was added within the 24 hours prior to the meeting and Pledge of Allegiance. Roll call, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. Commissioner Rivera moved to approve the minutes of the December 08, 2015 meeting. The motion was seconded by Commissioner Johnson. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Claims were reviewed by all Board Members. Commissioner Rivera moved to approve all claims as submitted with the exception of Claim #'s 15120185 in the amount of \$863.98 and #15120241 in the amount of \$178.39 all payable to River A Holdings. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. Commissioner Johnson moved to approve Claim #'s 15120185 in the amount of \$863.98 and #15120241 in the amount of \$178.39 all payable to River A Holdings. Commissioner Stewart seconded the motion. Roll was called, Ayes: Johnson and Stewart with Rivera abstaining from the vote. Nays: None. Motion carried. Deputy County Attorney, Adam Edmund, joined the meeting in progress.

Tracy Cloyd, HR Department, presented an updated Emergency Action Plan re: Bomb Threats for the Boards review and approval. Commissioner Rivera moved to accept and approve the updated Emergency Action Plan and directed Ms. Cloyd to develop additional Emergency Action Plans and Trainings. Commissioner Johnson seconded the motion for passage. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Kerri Rempp, The Chadron Record, joined the meeting in progress. The Board reviewed the Highway 20 Law Enforcement Agreement. Commissioner Johnson, seconded by Rivera, moved to direct the Chairman of the Board to sign the agreement. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. The Board recessed at 9:24 A.M. and reconvened to regular session at 9:30 A.M. The meeting was moved to the District Courtroom to accomodate several individuals for Public Comment. A list of those attending the Public Comment period of the meeting is available in the Clerk's Office during normal business hours and will become an attachment to these minutes. Mark Betson and Wayne Fisher, Dawes County Zoning Board Members, approached the Board. Mr. Fisher directed those present to LB 140; Section 3-309 which he read aloud. He indicated for the record the proposed ordinance from the City of Chadron doesn't appear to consider property rights. He also indicated people will hear the Dawes County Zoning Board has been dragging their feet on a decision. This is not true according to Fisher. The Zoning Board doesn't feel the proposed ordinance conditions protect rural residents. He referred to non-conforming structure replacement costs cited at three (3) different percentages to wit: 1956 Resolution-page 591; Section 4 puts replacement costs at 80% or more; LB 140-Section 3-311 puts replacement costs at 60% or more and the City's proposed ordinance-page 12; Section 8 indicates a drop of 50% in non-conforming structure replacement costs. Commissioner Stewart asked what recommendations the Dawes County Zoning Board would like to submit for consideration. Mr. Fisher directed those present to page 4; Section 1 of the proposed ordinance. He indicated for the record the language used is offensive to rural communities. On page 10; Section 5 of the City ordinance which was read aloud doesn't contain language found in LB 140. Mr. Fisher pointed out and read aloud several other sections of the ordinance re: possible limited use of storage tanks, single family dwellings, hay storage, etc. He addressed the letter sent to several individuals by the Dawes County Zoning Board. The Zoning Board feels the City of Chadron should maintain control of what was originally given to the City through the 1956 Resolution but suggested the following items be

considered in the proposed City Airport Zoning Ordinance to wit: #1-No language change in 1956 Resolution without $\frac{3}{4}$ vote of landowners. #2-No strict land use language that would affect land use with the exception of the three (3) mile area. #4-Have the same amount of rural/city representatives serving on the Airport Zoning Board. #5-Dawes County Zoning Board should have authority over the ten (10) mile triangles and #6-Requested the Dawes County Board of Commissioners not approve the City Airport Zoning Ordinance as currently proposed. Mark Betson added LB 140 was approved by the Dawes County Zoning Board. He discussed slopes from a letter received from the Nebraska Department of Aeronautics. He suggested LB 140 be followed. Wayne Fisher reported the appeals process remains the same for the Dawes County Zoning Board. Commissioner Johnson asked if it was possible for the City of Chadron and Dawes County Zoning Board to unify the language in the proposed City Airport Zoning Ordinance. The next City Airport Zoning Board meeting will be held on January 21, 2016 and Mr. Fisher suggested that he and Mr. Betson meet with two of the City Airport Zoning Board Members prior to their meeting on January 21, 2015. Commissioner Stewart indicated for the record he would like to see both the City Airport Zoning and Dawes County Zoning Boards meet with all members present to address concerns. Don Mandelko asked if the Board of Commissioners have a clear understanding of the legalities involved on the remaining seven (7) acres not under the three (3) mile area controlled by the City of Chadron. Public Comment ensued with the following comments addressing the proposed Airport Zoning Ordinance. For the record the County Clerk has recorded the entire Public Comment period and anyone wishing to obtain a copy is welcome to bring a blank cassette tape and copy the comments heard during normal business hours of the Clerk's Office. These minutes will contain a brief record of those comments expressed. Drew Petersen introduced himself as the Chairperson of the Airport Zoning Board. He indicated for the record the Airport Zoning Board was tasked with developing an ordinance relevant to LB 140. To date no input has been received from the Dawes County Zoning Board. He reported the ordinance is simply in draft form at this point. Kevin Lotton asked for a timeframe when the proposal will go to the Commissioners. Mr. Petersen indicated no time limit on proposal. Jack Honerkamp asked where individuals were to take their ideas or suggestions and can they get a copy of the Dawes County Zoning Board suggested changes? Mr. Petersen indicated the Dawes County Zoning Board. It was noted for the record the suggested changes are a public document available to anyone who requests such. Roger Suhr asked if the Airport Zoning Board follows the Open Meetings Act? It was noted for the record all notices re: special meetings are posted in three (3) locations prior to the meeting. Several present indicated this isn't sufficient notice to the Public. Mr. Suhr also asked how many Airport Zoning ordinances are out there? He had a copy of the Scottsbluff Airport Zoning ordinance and suggested other ordinances be looked at as reference. Michael Pohl asked why Airport Zoning is being revamped when LB 140 already addresses the ten (10) mile cone area. Leanne McCance added the main concern of the Federal Aviation is glide path. Wayne Anderson indicated for the record LB 140 is law per Nebraska State Statute. The City of Chadron and Airport are required to comply. The ordinance is a 1st draft as there was nothing in place prior to LB 140. Several steps are required in developing an ordinance. It's unfortunate this many people have been upset over a 1st draft. Aircraft and public safety is the responsibility of the City of Chadron as owners. Bruce Peterson indicated people need to be involved now, not when the final draft is done. It was noted for the record the Chadron Airport can support all planes with the exception of jumbo airlines. LB 140 protects low glide slope and ten (10) mile area/approach. J.F. Policky reported he and Lindy Coleman are County representatives on the Airport Zoning Board. He would be happy to take any suggestions/comments from individuals to the Airport Zoning Board. Commissioner Stewart indicated now is the time for input. Don Mandelko indicated the 1st draft has been in the Dawes County Zoning Board's hands over a year. Changes in language were necessary. The ten (10) mile cone area is State law and has to be done. He asked to schedule a meeting of the Dawes County Zoning Board prior to the Airport Zoning Board meeting on January 21, 2016. The Dawes County Zoning Board will meet on January 14, 2016 at the Dawes County Courthouse. The meeting will commence at 7:00 P.M. All individuals wishing to contribute input should attend. Andy Curd said it makes sense to follow LB 140, however; the philosophy in the draft is far reaching and goes beyond LB 140. The City of Chadron will need to be convinced otherwise. Casey Schuhmacher said keep ordinance simple. Phil Curd suggested staying with LB 140, nothing more, nothing less. He asked if it covers all safety issues and allow funding to continue. J.F. Policky indicated safety has always been in place, however; every single issue otherwise

can't be addressed unless there's input. Jerry Schumacher indicated after studying LB 140 and the City's Airport Zoning Ordinance it's apparent the language doesn't match re: non-conforming structures. Portions of LB 140 language have been left out of the ordinance draft, the relationship/authority between the City of Chadron and County Zoning Administrator isn't clear, installation of markers, lights, etc. is at the expense of individuals per the ordinance draft and LB 140 language states otherwise. Cross reference of LB 140 and the ordinance draft is encouraged before any decisions are made. Public Comment closed and the Board moved the meeting back to the former County Courtroom.

At 11:25 A.M. Sandy Roes, WCHR Director, met with the Board. She presented the 2016 Community Based Juvenile Services Aid application in the amount of \$30,895.00. Commissioner Johnson, seconded by Rivera, moved to direct the Chairman to sign the 2016 Community Based Juvenile Services Aid application in the amount of \$30,895.00. Roll was called, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. The next order of business was the Travel Board appointment. Present was Justin Haag, George Ledbetter, Annette Trylick and Tracy Cloyd. Commissioner Stewart reported the Travel Board appointments must be readvertized so he asked Annette Trylick to submit a letter for reappointment. Commissioner Rivera moved to enter executive session at 11:36 A.M. for personnel issues. Commissioner Johnson seconded the motion. Roll was called, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Commissioner Johnson moved to reconvene to regular session at 12:10 P.M. with Commissioner Rivera seconding the motion. Roll was called, Ayes: Stewart, Johnson and Rivera. No action was taken during executive session. Commissioner Johnson reported a four (4) member committee interviewed four (4) candidates. Two Travel Board appointments will be advertized to fill an At-Large and Lodging Industry representatives.

At 12:20 P.M. Larry Hankin, Highway Superintendent, met with the Board. Also present was Wayne Fisher, Gary Fisher, Mark Betson and Mark Haynes. Road updates included the following to wit: All Districts are conducting equipment maintenance and have been snow plowing. District 1-reset autogate on Airport Road; District 2-pulled $\frac{3}{4}$ mile on Table Road and graveled; District 3-Toadstool Road maintenance. Commissioner Rivera briefly discussed working hours of road crew members. Resolution No. 2015-27 was introduced by Commissioner Rivera, seconded by Johnson, directing the Highway Superintendent to file a form 10 to amend the One Year Road Plan re: Project #C-23(75), Bethel Bridge. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. The required form 10 and a copy of the resolution adopted will be forwarded to the Nebraska Department of Roads. Mr. Hankin informed the Board a resolution is required to direct the Highway Superintendent to study road closings. Resolution No. 2015-28 was introduced by Commissioner Johnson, seconded by Rivera, directing the Highway Superintendent to study a portion of Road No. 7 for closure. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. The 2015 Certification of Highway Superintendent was presented for Board approval. Commissioner Rivera, seconded by Johnson, moved to direct the Chairman to sign the Certification of Highway Superintendent for calendar year 2015. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. Discussion ensued re: Lemmon Bridge. Also present were Gary Fisher, Wayne Fisher, Mark Betson and Mark Haynes. Gary Fisher asked where the county was at re: Lemmon Bridge. Relaxation of Standards was discussed. Mr. Hankin reported if over top of the road is done more than 1x (one time) per year relaxation of standards is necessary. Discussion ensued as to replacement options. Mr. Hankin will request an engineering study to obtain options available to the county. The last order of business was review and approval of monthly fee/mileage reports submitted by the various departments. Upon review, reports were approved by general consent of the Board.

There being no further business before the Board, the Chairman adjourned the meeting at 1:00 P.M. The next meeting of the Dawes County Commissioners will be January 12, 2016 beginning at 8:30 A.M. with a Board of Equalization Meeting, followed by the Commissioner Meeting at approximately 8:50 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., January 07, 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

December 22, 2015 the following claims were audited, allowed and warrant orders drawn on their respective accounts: **Key for Claims:** 100=General Fund; 200=Roads 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	\$8,501.30
100	AS CENTRAL SERVICES	\$339.80
100	MARK BETSON	\$23.79
100	BIG BAT'S SHELL-VETERANS	\$156.18
100	BIGHORN AUTO SUPPLY	\$17.64
100	BLUE CROSS & BLUE SHIELD OF NE	\$26,258.82
100	CENTURYLINK	\$231.45
100	CENTURYLINK LONG DIST-CLERK	\$11.21
100	CENTURYLINK LONG DIST-VETERANS	\$40.53
100	CHADRON ACE HARDWARE	\$91.77
100	CHADRON CHAMBER OF COMMERCE	\$85.00
100	CHADRON LOCK	\$125.00
100	CHADRON MEDICAL CLINIC	\$277.00
100	CITY OF CHADRON	\$2,500.00
100	ALAN P CONNELL	\$20.00
100	COUNTRY INN AND SUITES/KEARNEY	\$388.00
100	CRAWFORD CLIPPER/HARRISON SUN	\$151.20
100	SANDI CRILE	\$105.00
100	CULLIGAN-ASSESSOR	\$11.50
100	CULLIGAN-CO ATTORNEY	\$10.00
100	CULLIGAN-PUBLIC DEFENDER	\$15.75
100	CULLIGAN-WEED	\$11.50
100	D&S MARKET,LLC	\$1,165.15
100	DAVE'S PHARMACY	\$851.82
100	DAWES COUNTY SHERIFF'S OFFICE	\$76.00
100	DAWES COUNTY TREASURER	\$368.00
100	MICHELLE FANKHAUSER	\$603.76
100	FIRST BANKCARD/BARBARA J SEBESTA	\$199.90
100	FIRST BANKCARD/EXTENSION	\$137.23
100	FIRST BANKCARD/PUBLIC DEFENDER	\$73.06
100	FIRST BANKCARD/WEED DEPT	\$51.90
100	FIRST BANKCARD	\$256.91
100	FIRST NATIONAL BANK, NORTH PLATTE	\$14,429.64
100	WAYNE FISHER	\$4.98
100	FP MAILING SOLUTIONS	\$20.41
100	FRED A LOCKWOOD & CO	\$5,300.00
100	GREAT PLAINS COMMUNICATIONS	\$477.42
100	SAMUEL HOLMGREN	\$28.91
100	IDEAL LINEN SUPPLY,INC	\$18.93

100	INTELLICORP RECORDS,INC	\$54.70
100	KCSR-AM	\$50.00
100	LA SIGN & SCREEN PRINTING	\$173.00
100	LANDRETH PLUMBING & HEATING,INC	\$144.70
100	MAIL FINANCE	\$1,650.00
100	DON MANDELKO	\$11.78
100	MANNA SYSTEMS AND CONSULTING	\$450.00
100	MIPS INC	\$3,274.03
100	NACO	\$1,214.28
100	NE HEALTH AND HUMAN SERVICES SYSTEM	\$90.00
100	NEBRASKA DEPARTMENT OF REVENUE	\$1,489.13
100	NEBRASKA DEPARTMENT OF REVENUE/LEVY	\$25.00
100	NEBRASKA PUBLIC POWER DIST-E911	\$21.00
100	NEBRASKA PUBLIC POWER DISTRICT	\$1,483.90
100	NEBRASKA TOTAL OFFICE/CO ATTORNEY	\$148.73
100	NEBRASKA TOTAL OFFICE/COUNTY COURT	\$35.00
100	NEBRASKA TOTAL OFFICE/DISTRICT CT	\$83.84
100	NEBRASKA TOTAL OFFICE/EXTENSION	\$68.97
100	NEBRASKA TOTAL OFFICE/SHERIFF	\$349.37
100	NEBRASKA TOTAL OFFICE/TREASURER	\$93.90
100	NORTHWEST RURAL PUBLIC POWER DIST	\$40.86
100	OUTLAW PRINTERS,INC	\$10.00
100	PESTS GO	\$35.00
100	PETERSEN DRUG	\$388.05
100	HERB L PETERSEN	\$490.00
100	LOREN POURIER	\$14.46
100	MARTHA QUAY	\$9.86
100	QUILL CORPORATION	\$271.35
100	RADIOLOGY IMAGING OF NEBRASKA,LLC	\$43.00
100	AMY RAGSDALE	\$129.50
100	RAMADA INN	\$539.00
100	RAPID CITY JOURNAL-WEBSITE	\$99.00
100	RAPID CITY JOURNAL/COMMISSIONERS	\$218.01
100	REGIONAL WEST MEDICAL CENTER	\$214.65
100	RIVER A HOLDING LLC	\$863.98
100	SADDLE ROCK ONE STOP	\$829.13
100	SCOTTS BLUFF CO DETENTION CENTER	\$3,960.00
100	BARBARA SEBESTA	\$370.87
100	SKAVDAHL & EDMUND	\$5,062.10
100	SMITH,KING AND SIMMONS,PC	\$3,636.82
100	ROSALENE B TOLLMAN	\$53.96
100	VERIZON WIRELESS/SHERIFF	\$572.08
100	VERIZON WIRELESS-WEED	\$62.83
100	VSP VISION PLAN	\$196.53
100	WALMART COMMUNITY	\$107.15
100	WEST 2ND APPLIANCE	\$27.96
100	WESTERN COMMUNICATIONS, INC	\$462.50
100	WESTERN PATHOLOGY CONSULTANTS	\$325.00

	INC	
100	DAN WORDEKEMPER	\$32.83
100	JON WORTHMAN LAW OFFICE	\$160.00
100	XEROX CORPORATION	\$75.10
100	XEROX CORPORATION/VETERANS OFFICE	\$105.37
200	AFLAC	\$254.52
200	AMERITAS LIFE INSURANCE CORP	\$974.92
200	BAUERKEMPER'S INC	\$58.53
200	BIGHORN AUTO SUPPLY	\$6.05
200	BLUE CROSS & BLUE SHIELD OF NE	\$2,077.65
200	MELVIN BRUNS	\$2,850.00
200	CHADRON ACE HARDWARE	\$12.13
200	CITY OF CRAWFORD	\$107.74
200	CROELL REDI-MIX INC	\$1,072.20
200	CULLIGAN-ROADS	\$5.75
200	D&S MARKET,LLC	\$34.76
200	DALE'S TIRE AND RETREADING,INC	\$2,320.00
200	DAWES COUNTY TREASURER	\$55.00
200	FIRST BANKCARD/LARRY HANKIN	\$70.54
200	FIRST NATIONAL BANK, NORTH PLATTE	\$3,240.89
200	PAT FURMAN	\$18,945.00
200	GRIMM'S PUMP AND INDUSTRIAL SUPPLY	\$214.03
200	HERREN BROTHERS TRUE VALUE	\$10.65
200	HOLIDAY INN EXPRESS	\$178.00
200	INLAND TRUCK PARTS & SERVICE	\$588.63
200	LAWSON PRODUCTS INC	\$159.59
200	GERALD LUX	\$2,055.00
200	ROY MERDANIAN	\$41.31
200	METAL PRODUCTS COMPANY	\$43.68
200	NEBRASKA DEPARTMENT OF REVENUE	\$536.85
200	NEBRASKA PUBLIC POWER DISTRICT	\$188.06
200	NEBRASKA SAFETY CENTER @ UNK	\$400.00
200	NEBRASKA TOTAL OFFICE/ROADS	\$313.96
200	NEWMAN SIGNS,INC	\$2,665.60
200	NMC EXCHANGE LLC/NEBRASKA MACHINERY	\$6,713.91
200	NORTHWEST RURAL PUBLIC POWER DIST	\$110.12
200	PANHANDLE COLLECTIONS,INC	\$203.35
200	POWERPLAN	\$3,430.52
200	QUALITY TIRE	\$3,038.00
200	RDO TRUCK CENTER	\$516.22
200	SHARON RICKENBACH	\$11,400.00
200	RIVER A HOLDING LLC	\$178.39
200	RON'S REPAIR SHOP	\$20.90
200	REX ROTH	\$79.04
200	STURDEVANT'S AUTO PARTS	\$306.94
200	VERIZON WIRELESS/ROADS	\$221.20
200	VSP VISION PLAN	\$113.21
200	ROBERT WALTMAN	\$21.52
200	WESTCO	\$18,313.56
200	XEROX CORPORATION/ROADS	\$78.78

990	AFLAC	\$13.45
990	AMERITAS LIFE INSURANCE CORP	\$57.17
990	BLUE CROSS & BLUE SHIELD OF NE	\$91.07
990	FIRST BANKCARD/TOURISM	\$465.65
990	FIRST NATIONAL BANK, NORTH PLATTE	\$171.93
990	NEBRASKA DEPARTMENT OF REVENUE	\$29.57
990	RAPID CITY JOURNAL/VISITOR PROMO	\$3.68
1900	VETERANS SERVICE OFFICE	\$183.00
2910	CENTURYLINK	\$414.59
2910	GREAT PLAINS COMMUNICATIONS	\$242.34
2910	INTRALINKS,INC	\$482.71
2910	WESTERN COMMUNICATIONS, INC	\$1,039.00
2913	GREAT PLAINS COMMUNICATIONS	\$134.60
4000	DAWES COUNTY TREASURER	\$4,590.00