

## CHADRON, NEBRASKA

December 12, 2023

### DAWES COUNTY BOARD OF COMMISSIONERS

The Public convened meeting of the Dawes County Commissioners in regular session commenced at the hour of 9:08 A.M. on the 12<sup>th</sup> day of December, 2023 pursuant to public notice as required by law. The meeting was called to order by Chairman Webb Johnson. Board Member present was Vic Rivera. Commissioner Rivera, seconded by Johnson, moved to excuse Commissioner Stewart from the meeting. Also present was Cheryl Feist, Dawes County Clerk, Wade Yada, Highway Superintendent; Tim Milner, Melissa Mracek representing UNL Extension; Sam Wellnitz and Adam Edmund, Deputy County Attorney. 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 Rivera, seconded by Johnson, moved to approve the agenda as presented. Roll call vote, Ayes: Rivera and Johnson. Nays: None. Motion carried. Motion by Commissioner Rivera, seconded by Johnson, to approve the minutes of the November 28, 2023 regular meeting as recorded. Roll call vote, Ayes: Johnson and Rivera. Nays: None. Motion carried. Claims were reviewed. Commissioner Rivera, seconded by Johnson, moved to approve all claims. Roll call vote, Ayes: Rivera and Johnson. Nays: None. Motion carried. In other business the Board reviewed and approved by general consent the monthly fee/mileage reports of the various departments. The Board recessed at 9:10 A.M. and reconvened to regular session at 9:15 A.M. Cactus Shumway joined the meeting.

At 9:16 A.M. Wade Yada, Highway Superintendent, met with the Board. Road updates were presented to wit: District 1 working on Davenport Road. District 2 hauling gravel on Deadhorse Road. District 3 installing culverts on Dyer Road. Before Resolution No. 2023-31 was adopted Commissioner Rivera offered clarification regarding comments made by Attorney Terry Curtiss at the November 28, 2023 Commissioner Meeting. He questioned the 3<sup>rd</sup> option mentioned to leave Road 50 as is it is now, costs associated with reclassification by the County won't be as costly as Mr. Curtiss said because the County has a road construction crew that knows how to build a road. Mr. Curtiss is not a road expert. When Mr. Mai built the road, there were substantial costs involved for him. Mr. Lecher indicated the front page of the Chadron Record always summarizes the minutes and he doesn't feel everyone knows what's going on regarding the issue with Road No. 50. He went on to say a District Court summary judgement (meaning no factual dispute) was granted to the Shumway's and Lecher's which was dismissed with prejudice, stating that location of County Road 50 was established according to State Statutes. The case then went to Appellate Court, they didn't want to hear oral arguments as to whether the road was located in the same lane as 1887. The Appellate Court upheld the District Court's decision. The State Supreme Court refused to hear the case as the evidence was so strong in favor of Dawes County, the Shumway's and Lecher's. John Mai claims Road 50 is a private road. Deputy County Attorney, Adam Edmund indicated for the record County Road 50 has never been a private drive. Mr. Lecher went on to say the County isn't required to do anything with the road. Adam Edmund, Deputy County Attorney indicated for the record the reason for reclassification is to leave it the way is. The site study done was a preliminary requirement of the State in reclassifying roads. Cactus Shumway asked the Board and Mr. Edmund to consider his correspondence when they make a decision regarding Road 50. He went onto say a lot of county roads don't meet the standard width, real liability lies within the Right of Way. Commissioner Rivera read aloud the court order regarding Case No. CI 16-76 concerning the signage and the fact that County Road 50 is a public road. County Right of Ways extend 33' either side of the section line and all obstructions within the Right of Way must be removed. Mike Lecher added that John Mai had initiated a petition drive to abandon Road 50 which didn't go anywhere. He then asked about the power line issue. Scott Bosse had indicated at the November 28, 2023 meeting that power lines go over the road so there is no obstruction. Commissioner Johnson added there also isn't a sunset clause mentioned in the court order. Mr. Lecher asked what a permanent injunction is and Mr. Edmund explained what a permanent injunction is. Cactus Shumway indicated in the early 70's minimum road standards were established with road width's being 66". This being said the design of old roads were done by Homesteaders and early settlers in the 1880's and Road 50 has been an existing public road since. Without reclassification the road will need to be widened, with reclassification it wouldn't. Resolution No. 2023-31 was introduced by Commissioner Rivera, seconded by Johnson, setting a Public Hearing for

January 09, 2023 in the Commissioner’s room commencing at 9:30 A.M. Roll call vote, Ayes: Johnson and Rivera. Nays: None. Motion carried.

In other business the Board reviewed and discussed the UNL Extension contract. Commissioner Rivera has been in contact with an Extension Board member and Senator Brewer’s office regarding the costs associated with this position. He is all for the kids having the 4-H program, his concern is the costs to the county associated with this position. He went on to explain the County struggles with budgets each year. Melissa Mracek, UNL Extension informed the Board they are down to final interviews for the position and others and Board Members will be invited to the public interview. She also reported UNL is seeing budget cuts. Commissioner Johnson indicated the 4-H program is the gateway for future Agriculture and Ranching opportunities in our area. Tim Milner, Extension Board Member, responded if the County doesn’t approve the contract the 4-H program as it is now will cease to exist. Discussion ensued. Commissioner Rivera, seconded by Johnson, approving the UNL Extension contract with Dawes County. Roll call vote, Ayes: Johnson and Rivera. Nays: None. Motion carried.

At 10:26 A.M. Brad Streeks, Custodian, presented bids for the Assessor’s office safety remodel to wit: Fuller Construction bid \$73,950.00 and Dierksen Enterprises, LLC bid \$52, 000.00. Discussion ensued. Commissioner Rivera, seconded by Johnson, moved to accept both bids and award the bid to Direksen Enterprises, LLC in the amount of \$52,000.00. Roll call vote, Ayes: Rivera and Johnson. Nays: None. Motion carried.

At 10:35 A.M. Sheriff Jeff Johns and Officer Chrisman met with the Board. Officer Chrisman explained the radio’s/taser’s being used by the Sheriff’s Department are obsolete. Parts can no longer be purchased nor can they be replaced. He presented bids for the camera’s and taser’s respectively. LensLoc bid 6 cameras at \$24,645.00 to be paid out over a five (5) year period or 7 camera’s bids at \$29,640.00 to be paid out over a five (5) year period. LensLoc offers free replacement for lost/damaged camera’s, has unlimited cloud storage available, they can integrate with CAD and there are 3<sup>rd</sup> party uploads available. Axon Enterprises quoted the tasers to wit: Six (6) tasers at \$25,347.60 with five (5) years to be paid or tasers and body cameras at \$39,947.70. Discussion ensued. Officer Chrisman indicated it would be beneficial for the Sheriff’s Department to be with the same vendor as the City Police for communication purposes. Adam Edmund, Co. Attorney, agreed that having everyone on the same platform would also be beneficial to area Attorneys. The Sheriff’s Department is going to request a trial run on the cameras before any final decisions are made about purchasing.

There being no further business before the Board the meeting was adjourned at 11:08 A.M. The next meeting of the Dawes County Commissioners will be held on December 26, 2023 beginning at 9:00 A.M. The meeting will be held in the Commissioner Room. The agenda will close at noon on December 21, 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**

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**Webb L. Johnson, Chairman**

**December 12, 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	\$1,915.51
100	AMERITAS LIFE INSURANCE CORP	\$12,170.94
100	BIG BAT'S LLC-SHERIFF	\$877.25
100	BIG BAT'S SHELL-VETERANS	\$198.28

100	BLUE CROSS & BLUE SHIELD OF NE	\$42,041.27
100	BRANDT COURT REPORTING	\$2,834.41
100	THE BUSINESS CONNECTION	\$30.45
100	CAPITAL ONE NA	\$50.82
100	CASH-WA DISTRIBUTING CO	\$2,383.20
100	CENTURY BUSINESS PRODUCTS INC	\$264.88
100	CENTURYLINK	\$528.42
100	CHADRON ACE HARDWARE	\$81.55
100	CHADRON COMMUNITY HOSPITAL & HEALTH	\$222.00
100	CHADRON MEDICAL CLINIC	\$750.00
100	CITY OF CHADRON	\$699.86
100	CRAWFORD CLIPPER/HARRISON SUN	\$312.20
100	CULLIGAN-ASSESSOR	\$54.00
100	CULLIGAN-CO ATTORNEY	\$10.00
100	CULLIGAN-DIST COURT	\$19.50
100	CULLIGAN-PUBLIC DEFENDER	\$10.00
100	CULLIGAN-SHERIFF	\$167.50
100	CULLIGAN-WEED	\$6.50
100	DAWES COUNTY COURT	\$729.00
100	DAWES COUNTY TREASURER	\$777.04
100	DOUGLAS,KELLY,OSTDIEK,OSSIAN,BRODER	\$9,289.96
100	EAKES,INC	\$127.70
100	AUDREY M LONG	\$310.00
100	FIRST BANKCARD/JAKE STEWART	\$106.50
100	FIRST BANKCARD/PUBLIC DEFENDER	\$251.38
100	FIRST NATIONAL BANK, NORTH PLATTE	\$20,586.08
100	LAW OFFICE OF RHONDA FLOWER	\$280.00
100	FP MAILING SOLUTIONS	\$116.40
100	GREAT PLAINS COMMUNICATIONS	\$4,733.67
100	HARRIS SALES COMPANY INC	\$140.66
100	INTRALINKS,INC	\$62.50
100	KCSR-AM	\$55.00
100	LEVI'S AUTO & METAL RECYCLING	\$125.00
100	MADISON NATIONAL LIFE	\$91.04
100	MIPS INC	\$3,402.64
100	MOBIUS COMMUNICATIONS	\$218.14
100	MELISSA MRACEK	\$89.08
100	NEBRASKA DEPARTMENT OF REVENUE	\$2,867.99
100	NEBRASKA PUBLIC POWER DIST-E911	\$30.00
100	NEBRASKA TOTAL OFFICE/CLERK	\$332.57
100	NEBRASKA TOTAL OFFICE/CO ATTORNEY	\$138.58

100	NEBRASKA TOTAL OFFICE/DISTRICT CT	\$37.34
100	NEBRASKA TOTAL OFFICE/SHERIFF	\$193.12
100	PANHANDLE WEED CONTROL ASSOCIATION	\$50.00
100	QUILL CORPORATION-COUNTY COURT	\$38.99
100	QUILL CORPORATION-DISTRICT COURT	\$293.92
100	RAPID CITY JOURNAL/EXTENSION	\$6.22
100	SCOTT ROBERTS ELECTRIC INC	\$79.09
100	SCOTTS BLUFF CO DETENTION CENTER	\$2,160.00
100	SKAVDAHL & EDMUND	\$5,536.24
100	SKEETERS AUTO PARTS INC	\$1.38
100	TRANSUNION RISK AND ALTERNATIVE	\$75.00
100	VERIZON WIRELESS/COUNTY ATTORNEY	\$88.03
100	VSP VISION PLAN	\$277.11
200	AFLAC	\$504.31
200	AMERITAS LIFE INSURANCE CORP	\$1,442.96
200	ARROW BUILDING CENTER	\$381.58
200	BEGUIN PROPANE	\$1,110.20
200	BLUE CROSS & BLUE SHIELD OF NE	\$1,493.22
200	CENTURYLINK	\$17.32
200	CHADRON MOTOR COMPANY	\$182.05
200	CITY OF CHADRON	\$141.91
200	CITY OF CRAWFORD	\$123.79
200	DAWES COUNTY TREASURER	\$75.00
200	FIRST BANKCARD/ROADS	\$306.45
200	FIRST NATIONAL BANK, NORTH PLATTE	\$4,323.92
200	FLOYD'S TRUCK CENTER,INC	\$12,119.57
200	INLAND TRUCK PARTS & SERVICE	\$29.88
200	KAISER TIRE MOBILE SERVICE	\$452.50
200	MATHESON LINWELD INC	\$68.73
200	MOBIUS COMMUNICATIONS	\$76.02
200	MONTANA CSED SDU-WAGE WITHOLDING	\$165.00
200	NEBRASKA DEPARTMENT OF REVENUE	\$994.04
200	NEBRASKA PUBLIC POWER DISTRICT	\$84.83
200	NMC EXCHANGE LLC/NEBRASKA MACHINERY	\$2,642.13
200	OUTLAW PRINTERS,INC	\$571.00
200	PHILLIPS F & T INC	\$2,639.50
200	POWERPLAN	\$3,747.26
200	SKEETERS AUTO PARTS INC	\$1,835.41
200	STURDEVANT'S AUTO PARTS	\$177.10
200	SOLID WASTE AGENCY OF NW NEBRASKA	\$42.00
200	VERIZON CONNECT NWF,INC-ROADS	\$194.28

200	VIAERO WIRELESS-ROADS	\$151.84
200	VSP VISION PLAN	\$106.98
200	WAHLSTROM FORD INC	\$248.81
990	AFLAC	\$33.38
990	AMERITAS LIFE INSURANCE CORP	\$140.00
990	BLUE CROSS & BLUE SHIELD OF NE	\$119.07
990	FIRST BANKCARD/TOURISM	\$122.67
990	FIRST NATIONAL BANK, NORTH PLATTE	\$398.17
990	CAMP NORWESCA	\$2,500.00
990	HARVEST MOON FALL FESTIVAL	\$2,000.00
990	NEBRASKA DEPARTMENT OF REVENUE	\$108.30
990	OUTLAW PRINTERS,INC	\$27.75
990	VSP VISION PLAN	\$10.08
990	WESTERN NEBRASKA TOURISM COALITION	\$3,648.56
995	CITY OF CHADRON	\$2,900.26
995	FIRESRING PRINT INC	\$5,100.00
995	HOMESLICE MEDIA GROUP,LLC	\$3,566.98
995	HOUR MEDIA LLC	\$3,549.00
2910	ACTION COMMUNICATIONS INC	\$670.00
2910	AMERITAS LIFE INSURANCE CORP	\$4.50
2910	FIRST NATIONAL BANK, NORTH PLATTE	\$18.59
2910	GREAT PLAINS COMMUNICATIONS	\$157.50
2910	INTRALINKS,INC	\$113.33
2910	NEBRASKA DEPARTMENT OF REVENUE	\$4.42