

CHADRON, NEBRASKA

March 25, 2025

DAWES COUNTY BOARD OF COMMISSIONERS

The Public convened meeting of the Dawes County Commissioners in regular session commenced at the hour of 8:58 A.M. on the 25th day of March, 2025 pursuant to public notice as required by law. The meeting was called to order by Chairman Vic Rivera. Board Members present were Walter Juhlin and Jake Stewart. Also, present was Cheryl Feist, Dawes County Clerk; Wade Yada, Highway Superintendent; Sam Wellnitz, Treasurer; Lindy Coleman, Assessor; Cliff Stehle; Rob Wolvington; Nelson Stephens; Ron and Rhonda Pelton; Ben and Megan Schuckman; Amy Patras, Atty; Mike and Diana Lecher and Adam Edmund, Deputy County Attorney. The Pledge of Allegiance was recited by those present. Per LB 898, Commissioner Rivera 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 Juhlin, moved to approve the agenda noting the addition of quarterly jail inspection 24 hours prior to said meeting. Roll call vote, Ayes: Juhlin, Stewart and Rivera. Nays: None. Motion carried. Minutes of the March 11, 2025 Commissioner Meeting were reviewed. Commissioner Stewart, seconded by Juhlin, moved to approve the minutes as published. Roll call vote, Ayes: Stewart, Rivera and Juhlin. Nays: None. Motion carried. Monthly fee/mileage reports of the various departments were approved by general consent of the Board. Claims were reviewed. Commissioner Stewart, seconded by Juhlin, moved to approve all claims as submitted with the exception of claim #25030197 payable to River A Holdings in the total amount of \$1051.91. Roll call vote, Ayes: Rivera, Juhlin and Stewart. Nays: None. Motion carried. Commissioner Stewart, seconded by Juhlin, moved to approve claim #25030197 payable to River A Holdings in the total amount of \$1051.91. Roll call vote, Ayes: Juhlin and Stewart with Rivera abstaining from the vote. Nays: None. Motion carried. Correspondence acknowledged by the Board included an invite to the RSVP appreciation luncheon to be held April 11, 2025.

Public Comment ensued with Ron Pelton reporting the Whitney Irrigation District worked on the inlet. Currently grant money is tied up with the Bureau of Reclamation, once all paperwork is finalized, the pipeline project can begin. He also reported the funding received from Dawes County is allowing them to address a headgate project this fall and the Cottonwood Creek pipeline is in and working well. Board reports ensued to wit: **Stewart**-NCAP met, went over the impact federal dollars has the program(s). Headstart Program involves Northern Box Butte Co, Cherry Co, Sheridan Co and Dawes Co. All twelve (12) counties in the Panhandle utilize the weatherization program. CEO Brooke Smith and Brian from weatherization attended meetings in Washington, D.C. to discuss future funding for the programs. The trip was paid for by private donations. NW Community Action Council relies on 92% federal funding, 7% state funding and 1% local funding. Funding is currently on hold for eighteen (18) grants which generates thirty million dollars for the local economy. Region 23 met; they are working on preparing the budget which will be finalized in May of 2025. Fire Protection is very important this year in Dawes County. No open burning without a permit in Dawes County. Commissioner Juhlin added individuals can still burn but must be very cautious. NNDC met and accepted two (2) applications from individuals to start local businesses. **Juhlin**-Area Aging met, they purchased four (4) vehicles and kept the old vehicles. Cheryl Brun will start visiting local boards. Area Aging has \$116,000.00 available in ARPA funds. **Rivera**-Region 1 met; performance appraisal was conducted on the Director. The budget was discussed. He shared a crisis summary stabilization letter with fellow board members.

At 9:20 A.M. Wade Yada, Highway Superintendent, went over road updates to wit: District 1 is starting work on Davenport Road; District 2 is rocking Marsland Cemetery Road; District 3 is rocking Bethel Road. Pete is getting things ready for crushing and all districts are blading. Mobius Communications presented a petition request to install fiber optic west of Chadron, East of Chadron, Redfern Road, Middle of County towards Grantham/Dry Creek Roads, Crawford Squaw Creek and West Ash Creek Roads, Belmont Hugh and Oetken Roads. Upon review and discussion amongst the board, Commissioner Stewart, seconded by Juhlin, moved to approve the petition request of Mobius Communications and directed the Chairman to sign such. Roll call vote, Ayes: Stewart, Rivera and Juhlin. Nays: None. Motion carried. Amy Patras, Atty, joined the meeting. The following bids were received for a 4-month crusher rental to wit: Power Screen submitted two bids, one in the amount of \$52,180.00 and the other bid was \$50,180.00; Power Equipment Co. submitted a bid of \$74,500.00; General Equipment submitted a bid of \$42,500.00 and Murphy Tractor submitted bids of \$44,500.00 and \$34,500.00. The Board discussed all bids received and options available. The Power Screen bid of \$52,180.00 per month was the preferred bid of the Highway Superintendent and Construction Manager. This piece of equipment will also be available the first week in April of 2025. Commissioner Stewart, seconded by Juhlin, moved to accept the Power Screen bid of \$52,180.00 per month. Roll call vote, Ayes: Rivera, Juhlin and Stewart. Nays: None. Motion carried. In other business, Amy Patras, Attorney for Ben and Megan Schuckman addressed the Board regarding Road No. 50. She gave a brief background on her credentials. She's licensed across the State of Nebraska and has an active federal case. She reported on December 22, 2022 the Court of Appeals affirmed Judge O'Gorman's decision regarding Road No. 50. The court ordered the structure to be removed from the right-of-way. With the structure still remaining after four (4) years it has become a liability for Dawes County and the county was court ordered to remove it. She cited a case relevant to this issue. It is the duty of the county to keep the right-of-way clear of any obstructions. It's been four (4) years since the ruling of Judge O'Gorman and at this point the county is looking at borderline misconduct. She went onto say someone cannot continue to sue the same party, this threat from Mr. Mai is minimal as there isn't much left to sue on. She informed the board they can't prioritize one road over another and the section line issue was addressed in the court order, basically calling it a red herring which means we want your attention here and it needs addressed. By not removing the structure, the county is creating a huge liability. Commissioner Stewart reiterated she was talking risk. Commissioner Stewart indicated this road was up for closure before and nothing happened. Abandonment of said Road No. 50 was mentioned. Ms. Patras replied abandoning the road won't fix the issue at hand. Adam Edmund reported the structure is slated for removal this week. Commissioner Rivera reported he has talked to Charlie Littrel and the structure is coming down this week but the autogates will remain in place. Mr. Rivera went onto say he has always believed in the truth will set you free and honesty. He doesn't understand why it's taken four (4) years to resolve this issue. Mike Lecher asked if the Board has a legal obligation to follow a court order. Deputy County Attorney, Adam Edmund indicated the structure was slated for removal several times but to no avail. He agrees with the court order; the county doesn't need another law suit. Diana Lecher indicated abandoning Road No. 50 isn't taking into consideration the constituents that live on Road No. 50. Amy Patras indicated for the record the board isn't discussing abandoning Road No. 50. This would be a different set of circumstances.

At 10:00 A.M. Luke Norman, Board Member of Sugar Loaf Grazing and Lance Russell, States Attorney in Hot Springs, S.D. met with the Board regarding the grasslands management program. Mr. Russell reported a grasslands management program was put in place prior to President Clinton leaving office. Prairie Dog control isn't addressed in the plan so amendments have since come forth. The current plan isn't working and the Forest Service is past due for

implementing a new grassland management program. He reported Fall River Commissioners passed a resolution to implement the planning process. He passed out a copy of the resolution adopted by Fall River Commissioners and read the resolution aloud. According to the Forest Service they don't have the man power to fulfill the requests of monitoring and updating the plan. He requested the board consider passing the same resolution. Commissioner Stewart asked if changes were previously made to the original plan. Mr. Russell indicated yes, amendments have been made to the original plan. The entire current plan is on the NE Forest Service website. Mr. Stephens asked how they know if monitoring isn't taking place. Mr. Russell reiterated monitoring isn't being done. In other business, the Clerk reported a new audit firm will need to be secured for the 2025 audit. Commissioner Stewart will look into auditing firms to send request proposals. Audit findings were discussed amongst board members and officials present. Delinquent real estate taxes foreclosing procedures are needed. Deb Lesmeister, Deputy Clerk, joined the meeting. Sam Wellnitz, Treasurer, shared the delinquent list. The county will address delinquent real estate taxes. Meal's policy is based upon per diem according to policy. An expensive meal was turned in for reimbursement. When the employee was asked about the count of people at the meal, the Assessor was told just the employee. The Assessor indicated she had no reason not to believe this individual as they have worked in her office for eleven years. She doesn't agree with the per diem as she feels it will be more costly. Discussion ensued. The Assessor suggested an expense report be remitted each time reimbursement is necessary on travel. The Board indicated a per diem will be looked at to save taxpayer dollars in the future. Ms. Coleman went onto to express great disdain for the unprofessional demeanor of the State Auditors Office in conducting the 2024 audit. In other business Resolution No. 2025-11 was introduced by Commissioner Stewart, seconded by Juhlin, to transfer \$58,769.09 from Miscellaneous General Fund to the Reappraisal Fund. Roll call vote, Ayes: Juhlin, Stewart and Rivera. Nays: None. Motion carried. The Board recessed at 11:00 A.M. to conduct a quarterly jail inspection. The Board returned at 11:15 A.M.

There being no further business before the Board the meeting was adjourned at 11:16 A.M. The next meeting of the Dawes County Commissioners will be held on April 08, 2025 beginning at 9:00 A.M. with a Board of Equalization meeting, followed by the commissioner meeting at approximately 9:20 A.M. Both meetings will be held in the Commissioner Room. The agenda will close at noon on March 20, 2025. **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

Vic Rivera

March 25, 2025 the following claims were audited, allowed and warrant orders drawn on their 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	ACTION COMMUNICATIONS INC/SHERIFF	65.00

100	AFLAC	2,009.85
100	AMERITAS LIFE INSURANCE CORP	12,093.00
100	AT&T MOBILITY	451.88
100	BIG BAT'S SHELL-VETERANS	275.56
100	BLACK HILLS ENERGY-WEED	148.77
100	BLACK HILLS ENERGY-250 MAIN ST	577.76
100	BLACK HILLS ENERGY-342 MAIN ST	410.53
100	BLACK HILLS ENERGY-451 MAIN ST	48.06
100	BLUE CROSS & BLUE SHIELD OF NE	41,869.39
100	BRANDT COURT REPORTING	390.70
100	CAPITAL ONE NA	138.60
100	CASH-WA DISTRIBUTING CO	2,651.70
100	CASPER MEDICAL IMAGING PC	495.44
100	CENTURY BUSINESS PRODUCTS INC	434.18
100	CHADRON ACE HARDWARE	682.32
100	CHADRON COMMUNITY HOSPITAL & HEALTH	2,765.10
100	CHADRON GLASS & WINDOWS,INC	125.00
100	CHADRON PLUMBING,INC	156.38
100	CHEYENNE CO SHERIFF'S OFFICE (NE)	50.00
100	CRITES,SHAFFER,CONNELLY,WATSON,HARF	2,350.00
100	CULLERS LAW OFFICE	760.00
100	CULLIGAN-CO ATTORNEY	23.90
100	CULLIGAN-DIST COURT	27.80
100	CULLIGAN-PUBLIC DEFENDER	16.95
100	CULLIGAN-SHERIFF	36.90
100	CULLIGAN-WEED	6.95
100	DANIELSON CONSTRUCTION	900.00
100	DAS STATE ACCOUNTING	748.00
100	DAWES CO TREAS/NPERS PAY BACK 624	8.43
100	DAWES CO TREAS/NPERS PAY BACK 651	56.38
100	DAWES CO TREASURER-FUND TRANSFER	58,769.09
100	DAWES COUNTY COURT	255.00
100	DAWES COUNTY SHERIFF'S OFFICE	338.00
100	DAWES COUNTY TREASURER	467.00
100	DOUGLAS,KELLY,OSTDIEK,OSSIAN,BRODER	5,442.40
100	FIRST BANKCARD/ROBERTA COLEMAN	170.98
100	FIRST NATIONAL BANK, NORTH PLATTE	20,017.59
100	GREAT PLAINS COMMUNICATIONS	2,424.49
100	HARRIS SALES COMPANY INC	229.61
100	HAUSER'S GRAB N GO LLC	533.36
100	STERLING HUFF LAW OFFICE, PC, LLO	470.00
100	IDEAL LINEN SUPPLY,INC	174.60

100	INTRALINKS,INC	860.49
100	KONE,INC	3,050.28
100	LINCOLN COUNTY DETENTION CENTER	4,730.00
100	MILLER LAW LLC	8,340.00
100	NEBRASKA DEPARTMENT OF REVENUE	2,631.15
100	NEBRASKA PUBLIC POWER DISTRICT	2,202.69
100	NEBRASKA TOTAL OFFICE/COUNTY COURT	38.45
100	NORTHWEST RURAL PUBLIC POWER DIST	207.94
100	OWEN DENTAL CARE	1,148.00
100	PESTS GO	35.00
100	MALYCHANH SAYALOUNE	8.01
100	SCOTT ROBERTS ELECTRIC INC	462.83
100	VIAERO WIRELESS-PREDATOR CONTROL	82.31
100	VIAERO WIRELESS-WEED	82.28
100	VSP VISION PLAN	275.60
100	WESTFIELD PHARMACY INC	45.27
100	XEROX CORPORATION/E911	328.69
100	XEROX CORPORATION/SHERIFF	75.64
200	ACTION COMMUNICATIONS INC	2,060.00
200	AFLAC	506.23
200	AMERITAS LIFE INSURANCE CORP	1,293.39
200	BAR RE WELDING, LLC	2,940.00
200	BEGUIN PROPANE	357.53
200	BLACK HILLS ENERGY-ROADS	353.97
200	BLUE CROSS & BLUE SHIELD OF NE	1,381.01
200	BRAD'S TRUCK SERVICE	3,155.24
200	CHADRON ACE HARDWARE	17.95
200	CHADRON GLASS & WINDOWS,INC	50.00
200	DAWES COUNTY TREASURER	75.00
200	FIRST NATIONAL BANK, NORTH PLATTE	3,399.61
200	FLOYD'S TRUCK CENTER,INC	23,222.31
200	JOHN DEERE FINANCIAL-ROADS	471.95
200	MATHESON LINWELD INC	158.94
200	MONTANA CSED SDU-WAGE WITHOLDING	165.00
200	NEBRASKA DEPARTMENT OF REVENUE	729.67
200	NEBRASKA PUBLIC POWER DISTRICT	92.08
200	NMC EXCHANGE LLC/NEBRASKA MACHINERY	35,433.80
200	NORTHWEST RURAL PUBLIC POWER DIST	523.51
200	PHILLIPS F & T INC	15,421.06
200	RIVER A HOLDING LLC	1,051.91
200	VSP VISION PLAN	100.78
200	XEROX CORPORATION/ROADS	114.83

990	AFLAC	33.38
990	AMERITAS LIFE INSURANCE CORP	78.88
990	BLUE CROSS & BLUE SHIELD OF NE	111.26
990	FIRST NATIONAL BANK, NORTH PLATTE	140.00
990	NEBRASKA DEPARTMENT OF REVENUE	25.09
990	VSP VISION PLAN	10.08
1100	PICTOMETRY INTERNATIONAL CORP	44,769.09
2580	AMERITAS LIFE INSURANCE CORP	4.50
2580	FIRST NATIONAL BANK, NORTH PLATTE	12.88
2580	NEBRASKA DEPARTMENT OF REVENUE	3.09
2910	AMERITAS LIFE INSURANCE CORP	4.50
2910	FIRST NATIONAL BANK, NORTH PLATTE	18.17
2910	NEBRASKA DEPARTMENT OF REVENUE	3.84