

CHADRON, NEBRASKA

December 23, 2024

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 23rd day of December, 2024 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 and Terry Curtiss. 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. The Pledge of Allegiance was recited by those present. Commissioner Stewart, seconded by Rivera, moved to approve the agenda after removal of Airport board appointments. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried. Minutes of the December 10, 2024 Commissioner Meeting were reviewed. Commissioner Rivera, seconded by Stewart, moved to approve the minutes as published with the following corrections to wit: instead of has no ingress/egress as recorded, should read is unsure of ingress/egress off the property, not main road. The word graders instead of dozers as recorded and remove in addition, Mr. Mai has indicated he wants Road No. 50 widened when obstruction is removed. Roll call vote, Ayes: Johnson, Rivera and Stewart. Nays: None. Motion carried. There wasn't any correspondence for Board review. Claims were reviewed. Commissioner Stewart, seconded by Johnson, moved to approve claim#24120196 in the amount of \$792.89 payable to River A Holdings. Roll call vote, Ayes: Stewart and Johnson with Rivera abstaining from the vote. Nays: None. Motion carried. Commissioner Rivera, seconded by Stewart, moved to approve all remaining claims as presented. Roll call vote, Ayes: Rivera, Stewart and Johnson. Nays: None. Motion carried. Monthly fee/mileage reports of the various departments were reviewed and approved by general consent of the Board. No one chose to speak during Public Comment. Board reports ensued to wit: **Rivera:** No boards met. **Stewart:** NCAP will re-organize in January of 2025; Region 23 did not meet; NNDC will conduct the Executive Director evaluation and the Dawes County Safety Committee met with nothing to present to the Board. A vehicle accident was reviewed. **Johnson:** No boards met other than PADD doing a zoom meeting.

At 9:25 A.M. Wade Yada, Highway Superintendent, met with the Board. He informed those present all departments are grading roads and doing equipment maintenance. Pete is almost done with reclaiming the Stumph pit and signage work is on-going. The Board recessed at 9:30 A.M. and reconvened to regular session at 9:33 A.M.

At 9:34 A.M. Brad Streeks, Custodian, presented a bid from Danielson Construction in the amount of \$5250.00 to build a countertop in the Jail facility. Commissioner Stewart, seconded by Rivera, move to approve the bid and direct Mr. Streeks to schedule repairs. Roll call vote, Ayes: Stewart, Johnson and Rivera. Nays: None. Motion carried.

At 9:36 A.M. Del Fuhrman met with the Board re: Manley Road access. The North half of Manley Road is closed. Access was discussed at length. Commissioner Stewart directed the Highway Superintendent to obtain information relevant to Manley Road and report back to the Board.

At 10:15 A.M. Mike Lecher met with the Board re: Road No. 50. Also present was Jim Stollendorf, Clifford Steihl, and Ben Schuckman. He reported he; his wife and Cactus Shumway were sued by John Mai. District Court granted a summary judgement, Appellate Court ruled in favor of the Lechers and the Supreme Court of Nebraska refused to hear the case. Mr. Lecher referenced several cases to wit: Court Order CI 16-76 which addressed the road location. The Court found that County Road 50 is an open road located on the common section lines of Sections 11 and 12 in Township 32 North, Range 49 West of the 6th P.M. The right of way

extends 33 feet west into Section 11 and 33 feet east into Section 12. Dawes County received a permanent injunction. Paying a fine is not good enough. The obstruction must be removed. There is nothing in the Court Order to allow the Plaintiff any negotiation. Nebraska Court of Appeals held that the County right of way extends 33 feet on each side of the section line and the physical road, while crossing between Section 11 and Section 12 was within the 66-foot right of way for its entire length. The permanent injunction to remove his sign and all other obstructions from the Right of Way. Courts have ruled according to Lecher, Plaintiff is ordered to remove signs and obstructions in the Right of Way. The County isn't responsible for the removal of such. Mr. Lecher went on to say that on January 09, 2024 LaMoyne Schultz, Department of Transportation also suggested and said all obstructions must be removed within the County Right of Way. Section line was set by the Courts. Terry Curtiss, Atty, indicated Courts can't do that. John Mai then hired Accustar to conduct a survey and locate the original corner marker and billed Dawes County. Dawes County paid the bill and Case No CI 22-11 was filed by the Lechers. The Court ruled in favor of Dawes County and the NOMA portion of the appeal was dismissed. In Court Case CI 16-76 the evidence clearly establishes that Road No. 50 was properly established and used by the public from the late 1800's through 2016. The road was never abandoned by Dawes County. Evidence also establishes that Mr. Mai made significant and costly improvements on the road and all his claims are dependent upon a finding that County Road 50 was not an open public road prior to his purchase of the property in 1999. The Court of Appeals noted that at time of 1887 petition of Road No. 50 all public roads shall have a width of sixty-six feet and the staked line marking such road shall be on the western edge, if the course of the road is north and south. Additionally, all surveys, road records, etc. were recorded. Mr. Lecher asked does a special permit allow obstructions in the County Right of Way? Commissioner Rivera asked why any county would want to permit a safety hazard when DOT also indicated it's a safety hazard. Mr. Rivera asked Mr. Curtiss why Mr. Mai wants to keep the obstruction. Mr. Curtiss indicated the obstruction is part of the road way and Mr. Mai was never told he needed an easement. All one structure according to Curtiss and Surveyor Morrison moved the section line according to Curtiss. Mr. Curtiss indicated the Board has jurisdiction of roads. There is also a federal rule that governs surveys. Mr. Rivera indicated there is a culvert installed for drainage and Clifford Stiehl confirmed there is a culvert. According to Rivera there isn't a drainage issue as previously thought. Mr. Shumway contacted Mr. Rivera and informed him there is a purchase agreement in place. Commissioner's Johnson and Stewart indicated the obstruction removal is up to Commissioner Rivera because its in his Road District. Mr. Curtiss indicated if the obstruction has to be removed that Mr. Mai would prefer to do it himself so he can keep the parts and reuse them. Commissioner Rivera asked Mr. Curtiss to find out if Mr. Mai would rather remove it. Mr. Curtiss indicated he would visit with Mr. Mai and let him know. Copies of all court rulings are attached to these minutes and are available for viewing during normal business hours at the Clerk's Office.

There being no further business before the Board the meeting was adjourned at 11:15 A.M. The next meeting of the Dawes County Commissioners will be held on January 14, 2025 beginning at 9:00 A.M. with the Board of Equalization, 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 January 09, 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

Webb L. Johnson

December 23, 2024 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	AFLAC	\$ 2,009.85
100	THE ALPHA ROAD BODY SHOP AND SALES	\$ 1,000.00
100	AMERITAS LIFE INSURANCE CORP	\$ 14,833.39
100	AT&T MOBILITY	\$ 451.80
100	CASEY W BACH	\$ 42.30
100	BARRY COUNTY SHERIFF'S OFFICE	\$ 46.75
100	BIG BAT'S SHELL-VETERANS	\$ 185.27
100	BLACK HILLS ENERGY-WEED	\$ 119.48
100	BLACK HILLS ENERGY-250 MAIN ST	\$ 238.64
100	BLACK HILLS ENERGY-342 MAIN ST	\$ 180.16
100	BLACK HILLS ENERGY-451 MAIN ST	\$ 44.14
100	BLUE CROSS & BLUE SHIELD OF NE	\$ 41,883.03
100	BLUE 360 MEDIA,LLC	\$ 398.30
100	THE BUSINESS CONNECTION	\$ 382.60
100	CAPITAL ONE NA	\$ 158.80
100	CASH-WA DISTRIBUTING CO	\$ 2,694.15
100	CELESTE CATTIN	\$ 88.49
100	CENTURY BUSINESS PRODUCTS INC	\$ 434.35
100	CHADRON ACE HARDWARE	\$ 80.71
100	CHADRON COMMUNITY HOSPITAL & HEALTH	\$ 117.00
100	CHADRON MOTOR COMPANY	\$ 125.88
100	CRAWFORD CLIPPER/HARRISON SUN	\$ 429.82
100	CRITES,SHAFFER,CONNEALY,WATSON,HARF	\$ 390.00
100	CULLERS LAW OFFICE	\$ 490.00
100	CULLIGAN-CO ATTORNEY	\$ 23.90
100	CULLIGAN-DIST COURT	\$ 27.80
100	CULLIGAN-PUBLIC DEFENDER	\$ 16.95
100	CULLIGAN-SHERIFF	\$ 151.90
100	CULLIGAN-WEED	\$ 6.95

100	DAS STATE ACCOUNTING	\$ 748.00
100	DAWES CO TREASURER-FUND TRANSFER	\$ 39,010.54
100	DAWES COUNTY COURT	\$ 562.50
100	DAWES COUNTY DISTRICT COURT	\$ 1,467.60
100	DAWES COUNTY TREASURER	\$ 467.00
100	DOUGLAS,KELLY,OSTDIEK,OSSIAN,BRODER	\$ 4,090.00
100	FIRST BANKCARD/ROBERTA COLEMAN	\$ 83.11
100	FIRST BANKCARD/VETERANS	\$ 238.21
100	FIRST NATIONAL BANK, NORTH PLATTE	\$ 19,307.43
100	FNIC	\$ 50.00
100	GREAT PLAINS COMMUNICATIONS	\$ 2,549.80
100	HARRIS SALES COMPANY INC	\$ 237.41
100	VANCE E HAUG	\$ 98.00
100	HAUSER'S GRAB N GO LLC	\$ 633.05
100	HERREN BROTHERS TRUE VALUE-PREDATOR	\$ 13.98
100	HILLS TIRE & SUPPLY	\$ 261.00
100	IDEAL LINEN SUPPLY,INC	\$ 174.60
100	JOHN DEERE FINANCIAL-BUILDING	\$ 31.96
100	KCSR-AM	\$ 110.00
100	KINGDOM GRILLERS BBQ	\$ 282.00
100	LINCOLN COUNTY DETENTION CENTER	\$ 4,860.00
100	LUMEN TECHNOLOGIES GROUP	\$ 22.67
100	LUMEN TECHNOLOGIES,LLC	\$ 6.15
100	MOBIUS COMMUNICATIONS	\$ 211.57
100	NEBRASKA DEPARTMENT OF REVENUE	\$ 2,606.24
100	NEBRASKA PUBLIC POWER DISTRICT	\$ 1,622.22
100	NEBRASKA TOTAL OFFICE/CLERK	\$ 13.69
100	NORTHWEST RURAL PUBLIC POWER DIST	\$ 193.88
100	OFFICE DEPOT CREDIT PLAN	\$ 280.84
100	OUTLAW PRINTERS,INC	\$ 197.45
100	PESTS GO	\$ 35.00
100	QUILL CORPORATION-COUNTY COURT	\$ 125.99
100	MALYCHANH SAYALOUNE	\$ 189.42
100	SCOTTS BLUFF COUNTY	\$ 6,907.79
100	SKAVDAHL & EDMUND	\$ 5,609.04
100	SMITH,KING AND SIMMONS,PC	\$ 50.00
100	TRANSUNION RISK AND ALTERNATIVE	\$ 75.00
100	UNL EXTENSION DAWES COUNTY	\$ 172.25
100	VIAERO WIRELESS-PREDATOR CONTROL	\$ 82.36
100	VIAERO WIRELESS-WEED	\$ 82.32
100	VSP VISION PLAN	\$ 285.47

100	WAHLSTROM FORD INC	\$ 93.52
100	WESTFIELD PHARMACY INC	\$ 61.47
100	XEROX CORPORATION/SHERIFF	\$ 75.64
100	XEROX CORPORATION/VETERANS OFFICE	\$ 121.99
200	ACE IRRIGATION & MANUFACTURING	\$ 11,009.80
200	AFLAC	\$ 506.23
200	AMERITAS LIFE INSURANCE CORP	\$ 1,231.86
200	BAUERKEMPER'S INC	\$ 139.33
200	BEGUIN PROPANE	\$ 806.93
200	BLACK HILLS ENERGY-ROADS	\$ 323.26
200	BLUE CROSS & BLUE SHIELD OF NE	\$ 1,381.01
200	CHADRON ACE HARDWARE	\$ 15.18
200	DAWES CO TREAS/DELINQUENT PP TAXES	\$ 17.00
200	DAWES COUNTY TREASURER	\$ 75.00
200	FIRST NATIONAL BANK, NORTH PLATTE	\$ 3,199.67
200	HILLS TIRE & SUPPLY	\$ 922.00
200	JOHN DEERE FINANCIAL-ROADS	\$ 964.36
200	KAISER TIRE,LLC	\$ 20.00
200	LUMEN TECHNOLOGIES GROUP	\$ 6.15
200	MOBIUS COMMUNICATIONS	\$ 76.06
200	MONTANA CSED SDU-WAGE WITHOLDING	\$ 165.00
200	NEBRASKA DEPARTMENT OF REVENUE	\$ 693.10
200	NEBRASKA PUBLIC POWER DISTRICT	\$ 74.77
200	NMC EXCHANGE LLC/NEBRASKA MACHINERY	\$ 362.41
200	NORTHWEST AUTO BODY & PAINT	\$ 275.00
200	NORTHWEST RURAL PUBLIC POWER DIST	\$ 203.62
200	PHILLIPS F & T INC	\$ 10,014.50
200	RIVER A HOLDING LLC	\$ 792.89
200	STACY SWINNEY	\$ 1,020.60
200	VSP VISION PLAN	\$ 100.78
200	WESTCO	\$ 8,429.59
990	AFLAC	\$ 33.38
990	AMERITAS LIFE INSURANCE CORP	\$ 123.49
990	BLUE CROSS & BLUE SHIELD OF NE	\$ 111.26
990	FIRST NATIONAL BANK, NORTH PLATTE	\$ 325.36
990	NEBRASKA DEPARTMENT OF REVENUE	\$ 79.86
990	VSP VISION PLAN	\$ 10.08
2501	DANIELSON CONSTRUCTION	\$ 37,128.00
2910	AMERITAS LIFE INSURANCE CORP	\$ 4.50
2910	FIRST BANKCARD/E-911	\$ 359.98
2910	FIRST NATIONAL BANK, NORTH PLATTE	\$ 18.10

2910	GREAT PLAINS COMMUNICATIONS	\$ 213.38
2910	NEBRASKA DEPARTMENT OF REVENUE	\$ 4.15
2910	TAC10,INC	\$ 21,447.00
2913	APCO INTERNATIONAL INC	\$ 965.00