

## Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Wednesday, October 16, 2024, at 9:00 a.m. in Burke with the following members present: Byrain Boes, Doug Janousek, Lance Matucha and Jeff Johnson. Members absent: Jessy Biggins. Also present: Julie Bartling, Gregory County Auditor, Patty Connealy, Gregory Times Advocate and Peggy Glover, Commission District 2 candidate.

Vice-Chair Byrain Boes called the meeting to order and all present recited the Pledge of Allegiance.

**Approval of Agenda:** Motion by Lance Matucha, second by Doug Janousek to approve the agenda with the following additions: Authorization for sale of county owned real property; executive session for the ROD's office staff; fence line in R-O-W discussion. All members present voted aye. Motion carried.

**Approval of Minutes:** Motion by Doug Janousek, second by Lance Matucha to approve the minutes of the October 2, 2024 meeting as read. All members present voted aye. Motion carried.

**Conflicts of Interest:** The Chair asked if there were any conflicts of interest from members present. Commissioner Byrain Boes has a conflict with the fence line in the R-O-W matter.

**Ex-Parte Communications:** The Chair inquired if there have been any ex-parte communications by any member present. None were notated.

**Public Input:** The Chair opened the meeting for public input. Anne Harding met with the Commission to discuss why hay on her section line ditch needs to be removed or the county will remove such and charge Ms. Harding. Ms. Harding compared this to the fence line matter. Also present to listen or comment on the fence line issue were Chato Edoff, Michael Preslicka, Marc Rolf, Mark Nelson, John Nelson, and Steve Mayer.

**Fence Line R-O-W Formal Discussion:** Vice-Chair Boes opened up the meeting for discussion on the fence line moved into the right of way south of Herrick. Vice-Chair Boes asked for individuals opposed to the fence line location to speak. Mark Nelson raised opposition citing that with the fence too close to the road, it poses danger to travelers on the road. He also stated that he, nor Jay Schmitz, neighboring property owner, were not notified that the fence would be erected. No one else spoke up.

Vice-Chair Boes asked for comments from anyone who does not have opposition to the fence. Michael Preslicka, who along with Commissioner Boes, had the fence line erected. He presented photos of the fence showing the lay of the road and potential danger from the drop off along the road, thus the positioning of the fence.

Mr. Preslicka also commented that he believes the anonymous contacts were politically driven against Commissioner Boes. Mr. Preslicka also stated that whatever decision the Board makes will set a precedence.

Betty Jo Hoffman, Planning and Zoning Administrator, advised the group that she discussed the matter with the State's Attorney and liability concerns are raised by legal counsel. A question was asked of Bob Nelson, Highway Superintendent, as to whether he had received any calls regarding the fence or the road, to which he replied that had not been contacted.

With no other comments, the discussion was closed and the Commissioners discussed alternatives to the fence line, i.e., guardrails, culvert extensions, etc. Precedence being set on other fences that are in the right of ways was also discussed should the Commission require the fence be moved.

Motion by Jeff Johnson, second by Lance Matucha to allow the fence to remain in its present location and to require reflectors on the posts for safety reasons. Upon call for vote; Jeff Johnson-aye; Lance Matucha-aye; Doug Janousek-aye; Jessie Biggins-absent; Byrain Boes-abstain. Motion carried.

**Highway Department Report:** Bob Nelson, Highway Superintendent, met with the Board to report activities at the Highway Department.

- \*Replace Signs
- \*Commercial Asphalt-CR 28 (possibly by 10-31-24)
- \*Standy Gravel Pit Crush
- \*State Pit reclamation
- \*Potential lease of State Pit for gravel
- \*Purchasing gravel from Triple G Pit (as needed bid)
- \*Equipment repairs
- \*Williams bottom-CR 57
- \*FEMA project meetings & mitigation
- \*Miscellaneous road projects

**Executive Session:** Motion by Lance Matucha, second by Jeff Johnson to enter into Executive Session at 9:48 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Jeff Johnson, second by Doug Janousek to adjourn from Executive Session at 11:10 a.m. with no action taken. All members present voted aye. Motion carried.

**Commission Meeting Dates:** Motion by Jeff Johnson, second by Doug Janousek to set the Commission meeting dates back to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month effective 12-1-2024. Tuesdays are more compatible with the Planning and Zoning meeting dates, deadlines for certain commission required documents, and fewer conflicts with other meetings. All members present voted aye. Motion carried.

**Granted Holiday Leave:** Motion by Lance Matucha, second by Jeff Johnson to grant the following days off to county employees, as the Governor has granted the same:

- \*November 29, 2024 (Friday following Thanksgiving)
- \*December 23 & 24, 2024 (Monday and Tuesday before Christmas)

All members present voted aye. Motion carried.

**Surplus Real Property:** Motion by Lance Matucha, second by Jeff Johnson to surplus the following described real properties and to offer each for sale at a public auction on November 6, 2024 at 10:00 a.m.:

Legal Description

- \*Middle 1/3 of Lot 10, Section 3-97-69, Whetstone Twp.
- \*NW4NE4 of Section 9-97-69, Whetstone Twp.
- \*Lots 1-5, Block 3, Forgan's Addn., Fairfax Town
- \*W 65' of Lots 1&2, Block 5, Gregory Heights Addn., Gregory City
- \*Lot 6, Block 4, Gregory Heights Addn., Gregory City

All members present voted aye. Motion carried.

**Adjourn:** Motion by Jeff Johnson, second by Doug Janousek to adjourn. All members present voted aye. Motion carried.

ATTEST: \_\_\_\_\_  
Julie Bartling, Gregory Co. Auditor

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Byrain Boes, Vice-Chair