

**Logan County Commissioners Work Session  
October 22, 2024**

Present: Mike Brownell, Joe McBride, Jerry Sonnenberg, Alan Samber, Kristan Lange, Debbie Unrein, Marilee Johnson, Caitlin Baseggio, Rob Kasper, Mike Burri, Eric, Michelle and Kaden Alcorn, Deryl Gregg, Bill and Marilyn Fehringer, Peg Hershfeldt, John Hershfeldt, Carol Neff, Ray Fehringer, Chris Delgado, Diana Korbe, Jeff Rice and Jennifer Crow.

Chairman Brownell called the meeting to order at 9:00 a.m.

**APPROVAL OF MINUTES FROM PREVIOUS SESSION** – Commissioner McBride moved to approve the minutes of October 15, 2024 as written. Commissioner Sonnenberg seconded, and the motion carried, 3-0.

**REVISIONS TO THE WORK SESSION AGENDA** – There were no revisions.

**REVIEW AND APPROVE SCHEDULE OF COUNTY BILLS** – The Board met with Kristan Lange to review the Logan County schedule of bills dated October 22, 2024. All bills were approved as presented.

**CHAMBER OF COMMERCE USE OF MITCHEK EVENT CENTER** – Caitlin Baseggio met with the Board to request the use of the Mitchek Event Center on behalf of the Logan County Chamber of Commerce to hold their Annual Banquet on January 24, 2025. The banquet will be called Hometown Proud and will highlight small businesses and the creative people in Logan County. Ms. Baseggio requested that the fees be waived for the event. They will need to use the Mitchek Event Center as well as the kitchen for the caterer.

Ms. Baseggio discussed including people that have ag and farm to table backgrounds. They want to highlight people who are making sourdough bread and homesteading and doing arts and crafts and other small businesses. They will be invited to participate in the meal and auction. The Chamber of Commerce will be publishing a bio on them of how they got started and why they're in Logan County and highlight the small businesses. Commissioner McBride suggested that one of the businesses to highlight would be the artist doing the artwork on the guitar that will be donated to the Chamber of Commerce this year who is from the GioCache Family Farms. Ms. Baseggio agreed and added that there are lots of small business owners that do things outside of their business that people don't know about.

Commissioner Sonnenberg explained that the County is still working on a policy for requests for facilities with the fees waived for non-profits. Chairman Brownell echoed his comments. Commissioner Sonnenberg moved to waive the fees for the Logan County Chamber of Commerce for their annual banquet on January 24, 2025. Commissioner McBride seconded, and the motion carried, 3-0.

**PROPERTY EASEMENTS - LEGAL ACCESS TO PROPERTY CR 33** – Eric and Michell Alcorn and Darrel Gregg met with the Board concerning an easement and legal access to their property on County Road 33. Mrs. Alcorn explained that they just purchased the property behind the county Road and Bridge Department. Mr. Gregg lives on the other side. Mr. Alcorn explained Sunburst Road was never established, it was never built. It was in the plans and recorded that way, but it was never built. They have been using Mr. Gregg's property for access since they purchased their property. For personal reasons, they have never been able to get that recorded. Julie Hillyard is willing to sign a contract to record for proper easement and permanent access. All the properties along that road were to have access on this road.

There is a ditch that comes down their fence on the backside that borders their property as well. They would like to fill in that ditch, but they need to know what to do with the drainage water. The County Road and Bridge facility was built up so high and all the sediment from the facility drains into these ditches and fills them up. The ditches get full and flood the people who have a house on that side. Those people have had to redo their septic

system because of all the drainage. The Alcorns need access for Mrs. Alcorn's smaller car to their property. Rob Kasper and Mike Burri joined the meeting. Mike Burri said that he looked at the area Monday. He said that it is on the north side of their fence. The berm comes down and is trenched out. They could build the road down to Sunburst Street. There was one spot that was lower, that would need a culvert. They would not have to build the whole road at this time, but they can provide access for the Alcorn property and others that need it right now.

Commissioner Sonnenberg offered to meet with them and look at the situation. Mr. Alcorn stated that he will be building a practice rodeo arena for his son that borders the county's property. Where the fence and ditch will border the arena and will be the return ally for the steers but should not be a problem.

The Board discussed the road right of way and whether the access has been abandoned. It has been moved from its original location.

**BILL FEHRINGER EMPLOYMENT** – Bill and Marilyn Fehringer met with the Board concerning Bill's recent termination from the Logan County Road and Bridge Department. Mr. Fehringer was given the opportunity to meet with the Board in an executive session since it was a personnel matter but told the Board he preferred that it be open to the public.

Mr. Fehringer came to the Board to address what he feels was a wrongful termination by Logan County. The reasons are that his wife has been diagnosed as terminally ill with cancer. He is her main caregiver. He was shocked when he was terminated. His immediate supervisor had worked out a plan for him to work off hours when she felt good, and he didn't have to be home with her. That plan was approved by HR. However, when his hours ran out to the hour, he was called by his supervisor and told that he had to direct him to HR to be terminated.

He met with HR two days later and received the official termination letter which was signed by Diana, not by his immediate supervisor or any of the Commissioners. His legal sources tell him that HR does not have the legal authority to terminate him. There was no attempt at trying to find a way to make the job work for both of us. No warning to him that his job was in jeopardy as he cared for his terminally ill wife. Mr. Fehringer claimed that he would still have PTO hours if HR had not "double dipped" and taken his PTO and FMLA at the same time. They were used congruently.

Mr. Fehringer stated that if he has PTO time, he should be able to use it however he wants. They knew he was taking care of her or dealing with his shoulder surgery, and they charged him for both PTO and FMLA. Fehringer stated that he believes that this is "double dipping" and is not right. He did not fill out an application for FMLA. It states in the policy book that employees must apply for FMLA after three days off for injury or sick leave. They just automatically took the FMLA leave.

Mr. Fehringer is not asking to be paid while he has not worked. He is asking for reinstatement of his benefits while off and his job back when he is no longer taking care of his wife. He would like the PTO and FMLA recalculated. He was told that he was welcome to reapply when he is done taking care of his wife by either Mike or Diana.

Marilyn Fehringer, Bill Fehringer's wife asked to speak. Mrs. Fehringer stated that she has terminal ovarian cancer. Bill is her main caregiver. She has a similar work situation with the school district. She has had to take a leave of absence to complete treatments which nearly killed her the last time, which is why Bill must work, she was in the Greeley hospital fighting for her life. The school district has bent over backwards to make it possible for her to have financial support and protect her job. HR spent many hours with her looking for ways to support herself while she was off. When she took her FMLA leave, she had to have three different papers filled out. She believes that they never got any of that for Bill because she would have been the one doing it for him, yet somehow his FMLA account has been depleted. They are asking for compassion so that Bill can take care of her.

Commissioner Sonnenberg asked Bill Fehringer if he would not have utilized FMLA leave for his shoulder surgery, what would he have done. Marilyn Fehringer answered that he was on short-term disability. FMLA and PTO were utilized at the same time.

County Attorney Alan Samber stated that employers are entitled to run FMLA and PTO at the same time. If employees have PTO, they have to use it until it is exhausted. This has been the county policy and gives the employee job protection until the end of the 12-week entitlement period. Federal law gives employees a 12-week entitlement period of job protection.

Commissioner Sonnenberg asked Mr. Fehringer when he joined the leave sharing bank. Mr. Fehringer stated that he joined the leave sharing bank when he first started working in 1990. He quit the leave sharing bank because when one of the Road and Bridge employees asked for time, they said they didn't have any time left. When he knew he was going to have shoulder surgery, he rejoined the leave sharing bank which was December 2023. Fehringer received hours from the leave sharing bank in February 2024. Then he received an additional 40 hours from the leave sharing bank. He agreed that was very fair. But then he received a phone call when his wife was in Greeley in the hospital for seven days, fighting for her life and was told that he was terminated, he did not think that was fair.

Commissioner Sonnenberg asked what Mr. Fehringer would like from the county. Mr. Fehringer is not asking for pay for hours that he did not work. He would like his benefits extended to the end of the year, and his job reinstated at the pay he was making when he is done caring for his wife. Mrs. Fehringer stated that she is OK right now and that he could go back to work right now until she starts treatments again. Fehringer stated he could go back to work tomorrow. The last treatment about killed her, so they stopped the treatments.

Mrs. Fehringer stated that they do not believe that the county policy is fair, the "double dip" is fair, unless the employee asks for it.

Alan Samber said that employees get paid when they have PTO, when that is exhausted, then it's unpaid, job-protected leave for the remainder of the 12-week entitlement. Fehringer said he would have preferred to use up his PTO time and then start the FMLA leave. Mrs. Fehringer added the sick bank hours and the unpaid hours with using the FMLA because he had short-term disability.

Mrs. Fehringer explained that Bill had 40 hours of unpaid time in January through March 2024. He would have eleven weeks of FMLA left if it had kicked in in October which is when she went into the hospital.

Commissioner Sonnenberg told Mr. and Mrs. Fehringer that the Board will need to look at the situation. They cannot promise any changes. The policy has been in place for many years. Chairman Brownell asked if the Board changed and did something different with FMLA, while he is on unpaid leave, how does that work? Mr. Fehringer said that it maintains his benefits. The county pays the benefits and holds his job but does not pay him for the hours not worked. Health insurance is the specific benefit he is referring to.

Local governments were able to opt out of the State benefit of FAMLI leave due to the cost. Mr. Fehringer said that he has applied for FAMLI and was accepted but was advised to hold off on using that until a later date.

Darren Wagner stated that he and Bill have known each other since they were babies and have been best friends. When he heard of his termination, as a taxpayer and as a voter, he thought it was ridiculous. His supervisors told him to take care of his wife, and they would work it out with him. His wife went into the hospital unexpectedly for seven days, and he came back to no job. He asked if there's any way to work this out and show a little compassion for a 30-year employee who dedicated his life to the county.

Chris Delgado stated that he has known Bill Fehringer for quite awhile. He has worked with him off and on

through the church office and his personal stuff. Bill has been a good, faithful employee who shows up for work on time and does what he's supposed to do. He is a model employee for the county. This is the type of people we need and should work with him on what he needs to support his family. He is not asking to be paid for the time he's not working. He's asking to be able to come back to his job after he's taken care of his wife.

Carol Neff, Bill's older sister spoke. She told the Board that she has gone through the same thing that Bill is going through right now with her spouse. Bill did not know he was going to need shoulder surgery and then his wife was going to have the cancer return like it did.

There being no further business to come before the Board, the meeting was adjourned at 9:50 a.m.