

CHEYENNE COUNTY COMMISSIONERS MEETING January 3, 2022

The Cheyenne County Board of Commissioners and Board of Equalization held an open and public meeting on Monday, January 3, 2022 in the Commissioners Meeting Room, Cheyenne County Court House, 1000 10th Avenue, Sidney, Nebraska. A notice of this meeting was published in the Sidney Sun-Telegraph, aired on News Channel Nebraska Radio, posted on the bulletin board in the County Court House and on the Cheyenne County website. Copies of the agenda were posted on the Court House bulletin board and on the Cheyenne County website, transmitted to each Commissioner and kept current and available to the public at the Office of the County Clerk. Chairman Darrell Johnson called the meeting to order at 8:00 A.M., with the following present:

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| Randal D. Miller | Commissioner of the First District |
| Darrell J. Johnson | Commissioner of the Second District |
| Philip E. Sanders | Commissioner of the Third District |
| Beth E. Fiegenschuh | County Clerk and Clerk of the Board |
| Paul B. Schaub | County Attorney |

Everyone present recited the Pledge of Allegiance.

Chairman Johnson announced a copy of the current Open Meetings Act is posted in the window in the Commissioners Meeting Room.

Chairman Johnson called for nominations for Chairman of the Board of Commissioners and Board of Equalization for the year 2022. Commissioner Sanders nominated Darrell J. Johnson for Chairman and moved that nominations cease and a unanimous ballot be cast for Darrell J. Johnson for Chairman of the Board of Commissioners and Board of Equalization for the year 2022. Miller seconded the motion. Roll Call: Aye: Sanders, Miller. Nay: None. Abstain: Johnson.

Next, Chairman Johnson called for nominations for Vice-Chairman of the Board of Commissioners and Board of Equalization for the year 2022. Commissioner Miller nominated Philip E. Sanders for Vice-Chairman and moved that nominations cease and a unanimous ballot be cast for Philip E. Sanders for Vice-Chairman of the Board of Commissioners and Board of Equalization for the year 2022. Sanders seconded the motion. Roll Call: Aye: Johnson, Miller. Nay: None. Abstain: Sanders.

The current agenda was reviewed. A motion was made by Sanders, seconded by Miller to approve the current agenda as presented. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

The Minutes of the December 20, 2021 meeting were reviewed. A motion was made by Miller, seconded by Sanders to approve the Minutes as written. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Abbreviations for claims: Ex (Expenses), Ga (Garnishment), In (Insurance), Mi (Mileage), Re (Retirement), Sa (Salaries), Se (Service), Su (Supplies), Ta (Tax), Ut (Utilities).

GENERAL FUND

Employee Payroll 103,152.66-Sa; Abacus Data Systems 406.00-Ex; Stacy Bach 5,000.00-Se; Black Hills Energy 730.19-Ut; BC/BS 91,440.33-In; Bob Barker Co 149.60-Su; Shelley Bowlin 244.16-Mi; C-Weed Mgmt 5,085.00-Se; Cheyenne Co Clerk 7,156.35-Re; Cheyenne Co Clerk 7,671.24-Ta; Cheyenne Co Treasurer 91.42-Ta; City of Sidney 7,500.00-Ex; City of Sidney 1,666.67-Ex; City of Sidney 555.87-Ut; Cranmore Pest Control 50.00-Se; Eakes Office 98.61-Ex; Election Systems & Software 2,348.90-Se; A Elliott Law 6,887.11-Se; Steven E Elmshaeuser 1,060.50-Se; Hamilton Telecommun 136.52-Se; Hampton Inn 2,528.90-Ex; George & Lois Hart 538.81-Ex; Timothy Herrera 831.86-In;

Hometown Leasing 1,618.27-Ex; Melody Keller 161.28-Mi; KSID 100.00-Se; Lyle Kurth 17.50-Re; Midwest Connect 195.00-Ex; Midwest Special Serv 522.00-Mi/Ex; Miller Law Office 13,604.00-Se; Rita Olberding 37.51-Se; Plummer Ins 40.00-Ex; Quadiant Leasing 897.00-Ex; Schuh Rentals 135.00-Ex; Secretary of State 30.00-Ex; Security First Bank 1,361.51-Re; Sidney Regional Med Ctr 1,100.00-Se; Julie Slagle 127.50-Se; Spectrum 320.84-Ex; Verizon Wireless 80.02-Se; Sheila VonSeggern 248.80-In.
TOTAL: \$ 265,926.93.

ROAD FUND

Employee Payroll 35,852.57-Sa; Black Hills Energy 1,427.58-Ut; Blackburn Mfg 222.44-Ex; BC/BS 35,689.05-In; Bomgaars 159.99-Ex; Cheyenne Co Clerk 2,420.08-Re; Cheyenne Co Clerk 2,656.05-Ta; City of Sidney 684.66-Ut; Finneys 108.90-Su/Ex; Hampton Inn 344.85-Ex; High West Energy 124.10-Ut; Ideal Linen 84.62-Ex; Logan Contractors Sup 487.45-Ex; Sapp Bros Inc 27.99-Ex; Sidney Sun Telegraph 123.90-Se; Timberline Fasteners 92.60-Ex; Village of Dalton 66.84-Ut; Village of Lodgepole 147.58-Ut; 21st Century Equip 2,274.13-Ex.
TOTAL: \$ 82,995.38.

VISITORS FUND

Employee Payroll 1,740.80-Sa; Black Hills Energy 111.59-Ut; BC/BS 1,885.15-In; Cheyenne Co Clerk 117.50-Re; Cheyenne Co Clerk 130.69-Ta; Flagship Publishing 600.00-Ex; Kevin Howard 307.44-Mi; True West Publishing 980.00-Ex.
TOTAL: \$ 5,873.17.

E911 FUND

Employee Payroll 13,464.42-Sa; AT&T 191.92-Ut; BC/BS 14,275.62-In; CenturyLink 694.94-Ut; Cheyenne Co Clerk 1,224.50-Ex; Cheyenne Co Clerk 908.86-Re; Cheyenne Co Clerk 996.18-Ta; DAS State Acctg 448.00-Se; DP Electronics 85.00-Se; Frontier Commun 34.19-Se; Stratus Audio 50.00-Se.
TOTAL: \$ 32,373.63.

EMERGENCY MANAGEMENT FUND

Employee Payroll 3,845.30-Sa; Kay Anderson 350.00-Se; Black Hills Energy 214.06-Ut; BC/BS 4,041.93-In; Cheyenne Co Clerk 259.56-Re; Cheyenne Co Clerk 274.18-Ta; FirstNet 175.38-Ut; Hampton Inn 344.85-Ex; Adam Hayward 350.00-Se; Brandon Loy 350.00-Se; NAEM 150.00-Ex; SYNCB/Amazon 1,510.54-Su/Ex; Elizabeth Yost 482.07-Se/Ex.
TOTAL: \$ 12,347.87.

GRAND TOTAL: \$ 399,516.98.

A motion was made by Sanders, seconded by Miller to approve and pay all claims as stated above. Delinquent taxes were deducted where owing. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

There was no correspondence to review.

Melissa Norgard from MKSE Norgard LLC requested the issuance of a Special Designated Liquor License for the annual Cheyenne County Chamber of Commerce banquet to be held on January 29, 2022 at the Cheyenne County Fairgrounds. A motion was made by Sanders, seconded by Miller to approve the issuance of the Special Designated Liquor License as requested. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

Mindy Wiegand from the Pheasants Forever organization requested the issuance of a Special Designated Liquor License for the Pheasants Forever annual banquet to be held on

March 4, 2022 at the Cheyenne County Fairgrounds. A motion was made by Miller, seconded by Sanders to approve the issuance of the Special Designated Liquor License as requested. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Fred Wiedeberg, Veterans Service Officer, submitted a Memorandum of Understanding (MOU) between the Nebraska Department of Veterans' Affairs (NDVA) and the Cheyenne County Veterans Service Officer. The purpose of the MOU is to allow the Veterans Service Officer to join on NDVA's web-based database "VetraSpec" and view and add certain information in order to assist veterans and/or their eligible dependents to access all benefits which they are entitled by law. County Attorney Paul Schaub has reviewed the MOU and recommended approval by the Board. A motion was made by Miller, seconded by Sanders to approve the Memorandum of Understanding as presented. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Tom Payne, Building and Grounds Superintendent, updated the Board on Department activities.

Skip Fricke from High Plains Shooter Supply requested the use of the Fairgrounds for a gun show. Sheriff Adam Frerichs was present for the discussion. County Attorney Schaub expressed concern over the potential liability for the County. Mr. Fricke stated he had inquired about the use of the building in March of 2021; however, he did not reserve the building at that time. Chairman Johnson and Vice-Chairman Sanders were not in favor of the use of the Fairgrounds due to the potential liability. A motion was made by Sanders, seconded by Johnson to deny the request of Skip Fricke for the use of the Cheyenne County Fairgrounds for a gun show. Roll Call: Aye: Johnson, Sanders. Nay: Miller.

Treasurer Shelley Bowlin presented Applications from the following banks regarding the designation of official depositories for Cheyenne County: Adams Bank & Trust; Platte Valley Bank; Points West Community Bank; The Potter State Bank of Potter; Security First Bank; and Nebraska Public Agency Investment Trust (NPAIT). A motion was made by Miller, seconded by Sanders to designate the above depositories of Cheyenne County. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

The Clerk presented Resolution 2022-1 for the Board's review. This Resolution reaffirms the E911 surcharge of \$1.00 per month per telephone line as defined in Resolution 1994-30. A motion was made by Miller, seconded by Sanders to adopt Resolution 2022-1 as above set forth. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None. A complete copy of the Resolution as adopted is on file at the Office of the County Clerk.

The Holiday Schedule for 2022 was reviewed by the Board. A motion was made by Sanders, seconded by Miller to approve the 2022 Holiday Schedule below. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

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| Monday, January 17 | Martin Luther King Jr., Day |
| Monday, February 21 | Presidents Day |
| Friday, April 15 | Good Friday |
| Friday, April 29 | Arbor Day |
| Monday, May 30 | Memorial Day |
| Monday, July 4 | Independence Day Observed |
| Monday, September 5 | Labor Day |
| Monday, October 10 | Columbus Day |
| Friday, November 10 | Veterans Day |
| Thursday, November 24 | Thanksgiving |
| Friday, November 25 | Thanksgiving |
| Friday, December 23 | Christmas Eve Day Holiday |
| Monday, December 26 | Christmas Day Holiday |
| Monday, January 2 | New Year's Eve Day Holiday |

Beth Fiegenschuh, Cheyenne County Clerk, addressed the Board regarding a Contractual Interest Statement concerning a contract with Schuh Rentals, LLC for the rental of a storage

unit to be used for evidence storage. On May 1, 2006, the Board of Commissioners entered into a contract between the County and Schuh Rentals, LLC for the rental of a storage unit. The Board discussed the Contractual Interest Statement presented by Clerk Fiegenschuh disclosing the fact that Fiegenschuh is the sole member of Schuh Rentals, LLC. The Board is and was on May 1, 2006 fully aware of the relationship between Clerk Fiegenschuh and Schuh Rentals, LLC. A motion was made by Miller, seconded by Sanders declaring that the Board is, and was on May 1, 2006, fully aware of the relationship between Fiegenschuh and Schuh Rentals, LLC and reaffirms the approval of the contract with Schuh Rentals, LLC for the rental of a storage unit to be used for evidence storage for the County Sheriff. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

The Contractual Interest Statement also applies to Dick's Flooring, LLC. At different times, carpeting and flooring services and products are needed for the various County buildings. Bids will be received, considered and from time-to-time awarded to Dick's Flooring, LLC. The sole member of Dick's Flooring, LLC is Richard A. Fiegenschuh, Jr., spouse of Clerk Fiegenschuh. The Board is and has been aware of this relationship. If the Board enters into an agreement to purchase services from Dick's Flooring, LLC, it will be necessary to make a separate disclosure for every transaction, regardless of the amount. If the Board enters into an open contract with Dick's Flooring, LLC, the Board can make purchases as needed. This open contract in no way will preclude the Board from obtaining bids for projects involving flooring and carpeting services and products. The only purpose for entering into an open contract with Dick's Flooring, LLC is for conflict of interest and disclosure purposes for Clerk Fiegenschuh. A motion was made by Miller, seconded by Sanders to enter into an open contract with Dick's Flooring, LLC as above stated. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Next, the Board reviewed a Contractual Interest Statement from Debra Hume, Clerk of the District Court, that applies to RK Electric. At different times, electrical services and products are needed for the various County buildings. Bids will be received, considered and from time-to-time awarded to RK Electric. Rick Hume, the owner and operator of RK Electric, is the spouse of Debra Hume, Clerk of the District Court. The Board is aware of this relationship. If the Board enters into an agreement to purchase services from RK Electric, it will be necessary to make a separate disclosure for every transaction, regardless of the amount. If the Board enters into an open contract with RK Electric, the Board can make purchases as needed. This open contract in no way will preclude the Board from obtaining bids for projects involving electrical services and products. The only purpose for entering into an open contract with RK Electric is for conflict of interest and disclosure purposes for Clerk of the District Court Debra Hume. A motion was made by Miller, seconded by Sanders to enter into an open contract with RK Electric as above stated. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

Commissioner Committee appointments for the year 2022 were next discussed. A motion was made by Miller, seconded by Sanders to approve the Committee appointments as follows. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

| <u>COMMITTEE</u> | <u>REPRESENTATIVE</u> | <u>ALTERNATE</u> |
|---|-----------------------|------------------|
| Water Quality | Miller | Sanders |
| Region 21 Emergency Management | Johnson | Sanders |
| Commission on Aging | Sanders | Miller |
| Mental Health | Johnson | Miller |
| Region I-Office of Human Dev. | Johnson | Miller |
| Panhandle Area Dev. District | Sanders | Miller |
| Panhandle Community Services | Miller | Johnson |
| Panhandle Disability Service Inc. | Johnson | Miller |
| Visitor Committee – Ex Officio | Sanders | --- |
| Waste Management – Landfill | Johnson | Miller |
| E911 Board | Johnson | Miller |
| Panhandle Public Health District Board | Miller | Sanders |
| Cheyenne County Safety Committee | Sanders | --- |

The list of Appointed Officials for the year 2022 was reviewed. After a discussion, a motion was made by Sanders, seconded by Miller to approve the following appointments. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

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| Tom Payne | Building and Grounds Superintendent |
| Doug Hart | Highway Superintendent |
| Ronald Leal | Emergency Management Coordinator |
| Heidi Gillespie | Emergency Communications Director |
| Fred Wiedeberg | Veterans Service Officer |
| Colleen Terman | Planning and Zoning Administrator |
| Kevin Howard | Tourism Director |

The Board designated the official Cheyenne County radio station and newspaper. A motion was made by Miller, seconded by Sanders to designate the Sidney Sun-Telegraph as the official newspaper and News Channel Nebraska as the official radio station. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

A motion was then made by Miller, seconded by Sanders to approve the following methods of providing notice to the public: publishing the notice in the official County newspaper, broadcasting on the official County radio station, posting notice on the bulletin board in the Cheyenne County Court House, posting notice on the Cheyenne County website or posting notice in three public places. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

The Board considered the appointments to the Cheyenne County Planning and Zoning Commission. The terms of Valerie Nienhueser, Ron Flohr and Nan McMillen expired on December 31, 2021. A motion was made by Sanders, seconded by Miller to reappoint Valerie Nienhueser, Ron Flohr and Nan McMillen to the Cheyenne County Planning and Zoning Commission with the term to be from January 1, 2022 to December 31, 2024. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

The Board next considered the appointments to the Cheyenne County Fair Board. The terms of Jason Juracek and Steve Powell expired on December 31, 2021. A motion was made by Miller, seconded by Sanders to reappoint Jason Juracek and Steve Powell to the Cheyenne County Fair Board with the term to be from January 1, 2022 to December 31, 2024. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

Previously, Whitney Whartman submitted a letter of resignation from the Cheyenne County Fair Board. A motion was made by Miller, seconded by Sanders to accept the resignation of Whitney Whartman from the Cheyenne County Fair Board. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

The Board next considered the appointments to the Cheyenne County Visitors Committee. The terms of Hal Enevoldsen and Judy Harris expired on December 31, 2021. A motion was made by Miller, seconded by Sanders to reappoint Hal Enevoldsen and Judy Harris to the Cheyenne County Visitors Committee with the term to be from January 1, 2022 to December 31, 2025. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

At 8:50 A.M., a motion was made by Sanders, seconded by Miller to recess the Board of Commissioners and reconvene as the Board of Equalization. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

County Assessor Melody Keller presented a Tax List Correction for the homestead exemption for Judy Gillespie for the tax year 2021. Originally, the exemption applied to the entire homesite. Pursuant to regulations, the exemption was only applicable to one acre. This resulted in an additional tax of \$37.88. A motion was made by Miller, seconded by Sanders to approve the Tax List Correction as presented. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Next, Assessor Keller presented a Tax List Correction for Arlene Tank for the tax year 2019. The Nebraska Property Assessment Division reviewed the income for Arlene Tax for the

homestead exemption. Pursuant to that review, the exemption for Arlene Tank was reduced from 40% to 30%. This resulted in an additional \$218.74 in real estate taxes. A motion was made by Sanders, seconded by Miller to approve the Tax List Correction as presented. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Finally, Assessor Keller presented a Tax List Correction for B & B Valley Scale & Service, LLC for the tax year 2021. Equipment from Lincoln County was relocated to Cheyenne County and an amended Personal Property Schedule was filed. This resulted in an additional tax of \$716.32. A motion was made by Miller, seconded by Sanders to approve the Tax List Correction as presented. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

At 8:55 A.M., a motion was made by Sanders, seconded by Miller to adjourn the Board of Equalization and reconvene as the Board of Commissioners. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Highway Superintendent Doug Hart updated the Board on road activities.

There were no comments from the public.

There being no further business to come before the Board, the meeting was adjourned at 10:00 A.M.

Dated this 3rd day of January 2022.

Darrell J. Johnson, Chairman

Philip E. Sanders, Vice-Chairman

Randal D. Miller, Member

ATTEST:

Beth E. Fiegenschuh, Cheyenne County Clerk