

# CHEYENNE COUNTY BOARD OF COMMISSIONERS AND BOARD OF EQUALIZATION MEETING

**MAY 1, 2023**

The Cheyenne County Board of Commissioners and Board of Equalization held an open and public meeting on Monday, May 1, 2023 in the Cheyenne County Commissioners Meeting Room, Cheyenne County Court House, 1000 10<sup>th</sup> Avenue, Sidney, Nebraska. A notice of this meeting was published in the Sidney Sun-Telegraph on March 16, 2023, 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 County Clerk's Office.

Chairman Darrell J. Johnson called the meeting to order at 8:00 A.M., with the following present:

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

Commissioner Philip E. Sanders was not present at the meeting.

Everyone present joined in the Pledge of Allegiance.

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

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

The Minutes of the meeting on April 17, 2023 were reviewed. A motion was made by Miller, seconded by Johnson to approve the Minutes as written. Roll Call: Aye: Johnson, Miller. Nay: None. Absent: Sanders

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 107,509.98-Sa; Abacus 488.84-Ex; Stacy Bach 5,000.00-Se; Black Hills Energy 2,063.54-Ut; BC/BS 90,204.99-In; Bluffs Facility Solutions 899.45-Su; Bomgaars 545.96-Ex; Box Butte Co Sheriff 18.50-Se; C-Weed Mgmnt 5,703.68-Se; Campbell Drug 16.50-Se; CenturyLink 469.27-Ut; Cheyenne Co Clerk 30.00-Ex; Cheyenne Co Clerk 7,388.06-Re; Cheyenne Co Clerk 7,870.67-Ta; City of Sidney 7,500.00-Ex; City of Sidney 1,666.67-Ex; City of Sidney 2,172.45-Ut; Cranmore Pest Ctl 55.00-Se; Digital Ally 245.00-Ex; DP Electronics 374.98-Se/Ex; Election Systems & Software 100.00-Ex; A Elliot Law 7,165.35-Se; Fair Law Office 21.00-Se; Beth Fiegenschuh 136.29-Su; Frenchman Valley Coop 37.43-Ex; Gehrig Stitt Chapel & Cremation Serv 370.63-Se; Gordons Body Shop 543.75-Ex; Lois Hart 538.81-Ex; Robert S Harvoy 725.00-Se; Hometown Leasing 1,654.20-Ex; Amber Horn 107.50-Mi; Johnson Controls 19,195.00-Ex; Ron Kissler 125.00-Se; Lyle Kurth 17.50-Re; Miller Law Office 14,432.00-Se; NE Law Enforcement

Training Ctr 165.00-Ex; NebraskaLand Tire 216.71-Ex; Premier Land Mgmt Serv 134.10-Se; Regional West Garden Co 2,405.12-Se; Reynolds Korth & Samuelson PC 155.00-Se; Katie Samples Dean 1,123.00-Se; Paul Schaub 95.63-Mi; Schuh Rentals 135.00-Ex; Security First Bank 1,050.77-Re; Darlene Shafer 428.75-Mi; Sidney Public Schools 3,586.25-Se; Sidney Regional Med Ctr 261.00-Se; Sidney Regional Med Ctr 1,100.00-Se; Spectrum 408.40-Se; State of NE DAS 99.00-Se; Verizon 80.02-Se; Western Drug 27.57-Se; Westfield Pharmacy 51.78-Se; Fred Wiedeberg CVS 217.50-Mi; WiMacTel 99.00-Ex; Youngs P&H 100.00-Se.  
TOTAL: \$ 297,332.60.

#### **ROAD FUND**

Employee Payroll 36,173.47-Sa; Black Hills Energy 1,711.59-Ut; BC/BS 34,554.41-In; Bomgaars 62.98-Ex; Cheyenne Co Clerk 259.84-Ut; Cheyenne Co Clerk 2,407.98-Re; Cheyenne Co Clerk 2,648.99-Ta; City of Sidney 746.48-Ut; Cornhusker International Trucks 1,059.78-Ex; Eakes 31.11-Su/Ex; Finneys 182.66-Ex/Su; Floyds Truck Ctr 54.79-Ex; Ideal Linen 94.04-Ex/Su; NE Machinery 748.13-Ex; NebraskaLand Tire 2,368.36-Ex; Panhandle Auto Group 20.28-Ex; Sidney Regional Med Ctr 72.00-Se; Weyerts Electric 280.00-Ex; 21<sup>st</sup> Century 991.55-Ex.  
TOTAL: \$ 84,468.44.

#### **VISITORS FUND**

Employee Payroll 1,782.40-Sa; Black Hills Energy 137.31-Ut; BC/BS 2,317.37-In; Cheyenne Co Clerk 120.31-Re; Cheyenne Co Clerk 132.68-Ta; Lamar 400.00-Ex; NE Print Works 20.90-Su.  
TOTAL: \$ 4,910.97.

#### **AMERICAN RESCUE PLAN**

Lutz & Co 127.50-Ex.  
TOTAL: \$ 127.50.

#### **E911 FUND**

Employee Payroll 11,368.59-Sa; Absolute Solutions 550.67-Se; BC/BS 12,324.95-In; Century Link 569.85-Ut; Cheyenne Co Clerk 737.85-Re; Cheyenne Co Clerk 817.57-Ta; DAS State Acctg 448.00-Se; Sydney Rushman 107.50-Mi.  
TOTAL: \$ 26,924.98.

#### **WIRELESS 911**

Hamilton Info Syst 1,141.30-Se.  
TOTAL: \$ 1,141.30.

#### **EMERGENCY MANAGEMENT FUND**

Employee Payroll 3,968.60-Sa; Kay L Anderson 350.00-Se; Black Hills Energy 350.25-Ut; BC/BS 4,342.87-In; Bridgeport News Blade 8.83-Se; Cheyenne Co Clerk 267.88-Re; Cheyenne Co Clerk 273.29-Ta; City of Sidney 185.79-Ut; FirstNet 171.49-Se; Evie Flessner 658.44-Mi/Ex; Adam Hayward 350.00-Se; Brandon Loy 350.00-Se; Ramada by Wyndham Columbus Hotel & Conference Ctr 297.00-Ex; Charles Roderick 275.00-Se; Sidney Sun Telegraph 14.20-Se; Western Observer 11.87-Se; Elizabeth Yost 350.00-Se.  
TOTAL: \$ 12,225.51.

**GRAND TOTAL: \$ 427,131.30.**

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

Under correspondence, a letter from Mel McNea, Interim CEO of Regional West Medical Center, was read into the record. The letter referenced an Agreement dated May 29, 2018 between Cheyenne County, Nebraska and Regional West Medical Center d/b/a Regional West Emergency Medical Services for medical transportation and related services. This letter is to provide written notice that Regional West Emergency Medical Services does not intend to renew the Agreement after July 1, 2023. Discussion of this matter will be included on the May 15, 2023 meeting Agenda.

Next, the Board reviewed an increase in the mileage reimbursement rate from 62 ½¢ per mile to 65 ½¢ per mile effective May 1, 2023. Pursuant to Neb. Rev. Stat. 33-117, the rate charged by the Sheriff for serving papers will be 3¢ more per mile than the rate set according to Neb. Rev. Stat. 81-1176. Accordingly, the mileage reimbursement rate charged by the Sheriff for serving papers will be increased to 68 ½¢ per mile effective May 1, 2023. A motion was made by Miller, seconded by Johnson to increase the mileage reimbursement rates as above set forth. Aye: Johnson, Miller. Nay: None. Absent: Sanders.

Clerk of the District Court Mindy Wiegand presented a Memorandum of Understanding (MOU) Nebraska Courtroom Technology Transfer of Ownership. The MOU is created to facilitate transfer of audio-visual components, equipment or full systems to be used in Courtrooms located in the Cheyenne County Court House. There is no payment of funds required to complete the transfer of ownership. The terms and agreements of this MOU are contained in the original document filed with the Commissioner Proceedings. County Attorney Paul Schaub recommended approval of the MOU. A motion was made by Miller, seconded by Johnson to approve the Memorandum of Understanding as presented. Roll Call: Aye: Miller, Johnson. Nay: None. Absent: Sanders. A complete copy of the Memorandum of Understanding Nebraska Courtroom Technology Transfer of Ownership as approved is on file at the Office of the County Clerk.

Cheyenne County Attorney Paul Schaub discussed with the Board documents involving the Community Development Block Grant (CDBG) to Adams Industries, Inc. Josh Watchorn and Tim Craig from Adams Industries Inc., were present. The first document was a Determination of Level of Review. Cheyenne County, Nebraska is proposing to receive CDBG funds in the amount of \$1,010,000 from the Nebraska Department of Economic Development to assist with equipment purchases and provide working capital to expand operations at the Adams Industries business facility. Adams Industries, Inc., will purchase three 104' x 32' two-million-gallon tanks to be used for raw material storage in the newly constructed Adams Industries Fertilizer Facility. The project will be completed within 30 months. The Business will create 33 new full time equivalent jobs, primarily benefiting Low-to-Moderate Income persons. The new jobs are to be maintained for twelve months and pay at least an hourly rate of \$14.90 per hour with benefits. The Business will maintain its existing base employment of 60 full-time employees at the Cheyenne County location for a period of at least one year. From the \$1,000,000 loan, \$500,000 of the loan will be a performance-based loan and forgiven after the business achieves job creation and other requirements; \$500,000 will be repaid over seven years with zero percent interest; and \$10,000 will be used for administrative expenses. Panhandle Regional Development Inc., is acting as agent for the County. The total project cost is estimated to be \$2,300,000 funded by the \$1,000,000 CDBG funds; a match of \$1,300,000 provided by the business equity; and a private construction loan. As part of the project, an Environmental Assessment is required to be performed.

The second documents were tribal letters written to the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Comanche Nation, Oklahoma; Apache

Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; and Arapaho Tribe of the Wind River Reservation, Wyoming. Adams Industrial Park is located at the former Sioux Army Depot in Cheyenne County, Nebraska. The letter requested any comments regarding the project within 30 days so the environmental assessment can be completed.

The final document was Resolution 2023-15 authorizing the Chairman of the Board of Commissioners to sign an application for CDBG funds. A motion was made by Miller, seconded by Johnson to adopt Resolution 2023-15 stating that the Chairman is authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between Cheyenne County, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application. Roll Call: Aye: Johnson, Miller. Nay: None. Absent: Sanders. A complete copy of the Resolution as adopted is on file at the Office of the County Clerk.

Cheyenne County Highway Superintendent updated the Board on road activities.

Cheyenne County Sheriff Adam Frerichs spoke to the Board regarding an Agreement with Critter Sitter to house dogs, stray dogs and dangerous dogs which are held under the lawful authority of Cheyenne County. The Agreement is between Cheyenne County, Nebraska on behalf of the Cheyenne County Sheriff's Office and Critter Sitter. The term of the Agreement is for a period of one year upon execution by both parties. The Agreement will automatically renew beginning June 1 for additional one-year periods unless either party provides to the other notice of that party's intent to terminate the Agreement. Such notice will be in writing and delivered to the other party no less than ninety days prior to the effective date of the termination. The amount of the Agreement is \$250 per month plus an additional housing rate of \$25 per night for up to ten nights unless otherwise specified by the Sheriff's Office. If, at the end of ten nights, an owner has not been located or identified, ownership of the animal will revert to Critter Sitter to adopt the animal out or to deal with the animal as Critter Sitter sees fit. A current list of animals housed for Cheyenne County will be maintained by Critter Sitter or his/her designee. Critter Sitter will submit itemized statements for animals which were housed at their facility. Such statements will include the monthly contractual amount of \$250, a description of each animal, the dates of admittance and discharge, length of stay and the total amount due for each animal. Cheyenne County agrees to pay all charges within 30 days from the date the statement was received. A motion was made by Miller, seconded by Johnson to approve the Agreement with Critter Sitter as above set forth. Roll Call: Aye: Miller, Johnson. Nay: None. Absent: Sanders.

There were no comments from the public.

At 8:40 A.M., a motion was made by Miller, seconded by Johnson to recess the Board of Commissioners and reconvene as the Board of Equalization. Roll Call: Aye: Johnson, Miller. Nay: None. Absent: Sanders.

At 8:41 A.M., a motion was made by Miller, seconded by Johnson to enter into executive session to discuss pending litigation. Also present in executive session was Assessor Jordan Hajek, Deputy Assessor Christina Lotton, County Attorney Paul Schaub, City Manager David Scott, City Chief Financial Officer and County Clerk Beth Fiegenschuh. Roll Call: Aye: Miller, Johnson. Nay: None. Absent: Sanders.

At 9:25 A.M., a motion was made by Miller, seconded by Johnson to exit executive session. Roll Call: Aye: Johnson, Miller. Nay: None. Absent Sanders.

Assessor Hajek stated that she reviewed the property records for the following subject properties, along with other supporting documents, and that she discussed each parcel with certified appraisers. She proposes that the County adopt the following proposed valuations:

Cabela's Inc.  
1 Cabela Drive  
Sidney, Nebraska  
#170073831  
2019 - \$10,198,158  
2020 - \$10,198,158

The Ranch Subdivision  
2019 - \$13,338  
2020 - \$13,338  
2021 - \$15,339

Cabela's Retail Inc.  
#170220914  
2019 – \$81,877 - No change  
2020 – \$81,877 - No change  
2021 – \$73,689 - No change

#170074226, 170136507, 170136515, 170221113, 170220915  
2019 – \$6,300,000  
2020 – \$6,300,000  
2021 – \$6,300,000

Cabela's Inc.  
2 Cabela's Drive  
Sidney, Nebraska  
#170221115, 170221117, 170221116, 170221114  
These properties are subject to Tax Increment Financing (TIF) and the value of the properties cannot be protested unless the value is over \$15,300,000.  
2019 - \$15,300,000  
2020 - \$15,300,000  
These values are set pursuant to the Redevelopment Contract with the City of Sidney regarding TIF.

Cabela's Ventures Inc.  
638 Illinois Street  
Sidney, Nebraska  
#170075265  
This property is subject to Tax Increment Financing (TIF) and the value of the property cannot be protested unless the value is over \$4,910,441.  
2019 - \$3,496,693 – No change  
2020 - \$3,496,513 – No change

A motion was made by Miller, seconded by Johnson to accept the proposed valuation recommendations from Assessor Hajek and that County Attorney Schaub draft the appropriate paperwork to present to the Nebraska Tax Equalization and Review Commission. Roll Call: Aye: Miller, Johnson. Nay: None. Absent: Sanders

David W. and Martha Y. Jansen  
1000 11<sup>th</sup> Avenue  
Sidney, Nebraska  
#170056228  
2021 - \$115,917  
2022 - \$125,997

A motion was made by Miller, seconded by Johnson to accept the proposed valuation recommendations from Assessor Hajek and that County Attorney Schaub draft the appropriate paperwork to present to the Nebraska Tax Equalization and Review Commission. Roll Call: Aye: Johnson, Miller. Nay: None. Absent: Sanders

At 9:30 A.M., a motion was made by Miller, seconded by Johnson to adjourn the Board of Equalization and reconvene as the Board of Commissioners. Roll Call: Aye: Miller, Johnson. Nay: None. Absent Sanders

There being no further business to come before the Board, Chairman Johnson declared the meeting adjourned at 9:30 A.M.

Dated this 1st day of May 2023.

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Darrell J. Johnson, Chairman

ABSENT

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Philip E. Sanders, Vice-Chairman

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Randal D. Miller, Member

ATTEST:

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Beth E. Fiegenschuh, Cheyenne County Clerk