

CHEYENNE COUNTY COMMISSIONERS MEETING

January 3, 2023

The Cheyenne County Board of Commissioners and Board of Equalization held an open and public meeting on Tuesday, January 3, 2023 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:

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 on the wall in the Commissioners Meeting Room.

Chairman Johnson called for nominations for Chairman of the Board of Commissioners and Board of Equalization for the year 2023. 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 2023. Miller seconded the motion. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Next, Chairman Johnson called for nominations for Vice-Chairman of the Board of Commissioners and Board of Equalization for the year 2023. 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 2023. Johnson seconded the motion. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

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 19, 2022 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 108,074.46-Sa; Abacus Data Systems 436.46-Ex; Stacy Bach 5,000.00-Se; Greg Bailey 1,100.00-In; Black Hills Energy 1,673.75-Ut; BC/BS 94,582.30-In; Bob Barker Co 250.04-Su; C-Weed Mgmt 13,806.44-Se; CenturyLink 952.07-Ut; Cheyenne Co Clerk 7,406.98-Re; Cheyenne Co Clerk 7,903.16-Ta; Cheyenne Co Treasurer 91.32-Ta; Cheyenne Co Treasurer 12,051.27-Ex; City of Sidney 7,500.00-Ex; City of Sidney 1,666.67-Ex; City of Sidney 1,016.49-Ut; Combined Public Commun 150.00-Se; Cranmore Pest Control 55.00-Se; CVSOAN 100.00-Ex; Darins Auto 4,716.37-Se; Dash Med Gloves 143.60-Su; A Elliott Law 7,024.85-Se; Steven E Elmshaeuser 670.00-Se; Fair Law Office

502.00-Se; GreatAmerica Finan Serv Corp 262.31-Ex; Hamilton Telephone 89.90-Se; Hampton Inn 479.80-Ex; Lois Hart 538.81-Ex; Robert Harvoy 845.82-Se; Hometown Leasing 1,654.20-Ex; Debra Hume 256.25-Mi; Ideal Linen 375.57-Ex; Kings Inn 35.00-Ex; Ron Kissler 125.00-Se; Lyle Kurth 17.50-Re; Miller Law Office 14,012.00-Se; Motel 6 62.99-Ex; NE State Library 391.40-Ex; Pepsi Cola 89.10-Ex; Quadient Leasing 1,332.00-Ex; Regional West Garden Co 536.20-Se; Schuh Rentals 135.00-Ex; Security First Bank 948.28-Re; Sidney Regional Med Ctr 1,100.00-Se; Sidney Regional Med Ctr 2,626.08-Se; Sidney Sun Telegraph 50.00-Ex; Smart Vending Serv 385.01-Se; Spectrum 320.85-Se; Spectrum 239.96-Se; State of NE DAS 99.00-Se; USDA/WS 3,125.00-Se; Verizon 277.96-Se; Viaero 547.16-Se; WiMacTel 66.00-Ex.
TOTAL: \$ 307,897.38.

ROAD FUND

Employee Payroll 44,626.71-Sa; Black Hills Energy 2,203.25-Ut; BC/BS 34,554.41-In; Cheyenne Co Clerk 2,978.87-Re; Cheyenne Co Clerk 3,295.62-Ta; City of Sidney 719.34-Ut; E&S Auto 925.89-Ex; Finneys 150.88-Su/Ex; Ideal Linen 94.04-Ex; Inland Truck Serv 610.40-Ex; NE Machinery 4,310.20-Ex; NebraskaLand Tire 98.00-Ex; Powerplan 179.53-Ex; Roods 37.32-Ex; Sidney Glass 461.55-Ex; Triple O's 123.75-Ex; Verizon 388.56-Se; Weyerts Electric 89.40-Ex.
TOTAL: \$ 95,847.72.

VISITORS FUND

Employee Payroll 1,730.40-Sa; Black Hills Energy 113.62-Ut; BC/BS 2,317.37-In; Cheyenne Co Clerk 116.80-Re; Cheyenne Co Clerk 128.70-Ta; True West Publishing 980.00-Ex.
TOTAL: \$ 5,386.89.

VISITOR IMPROVEMENT

Cruise'n Class Car Club 1,500.00-Ex; Finneys 108.94-Ex.
TOTAL: \$ 1,608.94.

AMERICAN RESCUE PLAN

Lutz & Co 63.75.
TOTAL: \$ 63.75.

E911 FUND

Employee Payroll 11,593.54-Sa; BC/BS 12,324.95-In; Cheyenne Co Clerk 782.57-Re; Cheyenne Co Clerk 834.79-Ta; Dalton Telephone 113.46-Se; NENA 725.00-Ex; Police Legal Science 960.00-Ex.
TOTAL: \$ 27,334.31.

EMERGENCY MANAGEMENT FUND

Employee Payroll 3,885.27-Sa; Kay Anderson 350.00-Se; Black Hills Energy 473.86-Ut; BC/BS 4,342.87-In; Cheyenne Co Clerk 262.26-Re; Cheyenne Co Clerk 266.92-Ta; FirstNet 171.42-Ut; Evie Flessner 539.70-Mi/Ex; Adam Hayward 350.00-Se; Brandon Loy 350.00-Se; NAEM 260.00-Ex; Sidney Sun Telegraph 50.00-Ex; SYNCB/Amazon 1,150.58-Su/Ex; Elizabeth Yost 350.00-Se.
TOTAL: \$ 12,802.88.

GRAND TOTAL: \$ 450,941.87

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 28, 2023 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: Miller, Sanders, Johnson. Nay: None.

Mindy Wiegand representing the Pheasants Forever organization requested the issuance of a Special Designated Liquor License for the Pheasants Forever Annual Banquet to be held on March 3, 2023 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: Sanders, Johnson, Miller. Nay: None.

David Jansen and Eric Pool addressed the Board regarding the bidding process for the removal and replacement of part of the Heating, Ventilation and Air-Conditioning (HVAC) system for the Cheyenne County Court House. Mr. Jansen expressed concerns regarding this process. Jansen stated that after visiting with local businessmen who were in the profession of providing HVAC systems, they were unaware of the request for bids. Jansen requested that the matter be tabled and rebid.

Eric Pool then addressed the Board regarding the HVAC system and the bidding process.

Jonathan Hoesch from Trane spoke to the Board via Zoom. Mr. Hoesch stated that he had received information from Building and Grounds Superintendent Tom Payne regarding the project. Mr. Hoesch informed the Board that his company did not submit a sealed bid for the project.

Next, Mitch Wood, Chance Hixon and Marlin Schultz from Johnson Controls spoke to the Board regarding this matter. Mr. Hixon explained the process for the replacement and installation of the equipment according to the Johnson Controls' bid.

Commissioner Miller explained that the bidding process has been completed. The bid from Johnson Controls was the only bid received. It was opened according to Statute and the amount of the bid was revealed. It would be unethical to rebid the project.

A motion was made by Miller, seconded by Sanders to accept the bid for the replacement of the boilers, chiller, roof-top unit and related controls regarding the HVAC system for the Court House in the amount of \$766,837.00. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

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: Miller, Sanders, Johnson. Nay: None.

Treasurer Bowlin presented Resolution 2023-1 regarding the investment of County funds. Pursuant to Neb. Rev. Stat. 77-2312, the County Board and County Treasurer are allowed and authorized to invest funds of the County and believe it is in the best interest of Cheyenne County to require securities in lieu of a bond. The Board and Treasurer require the amount of pledged securities equal a value of 102% of the amount of investment over and above the amount insured under the Federal Deposit Insurance Corporation. Accordingly, a motion was made by Miller, seconded by Sanders to adopt Resolution

2023-1 authorizing the County Treasurer to hold pledged securities equal to a value of 102% of the amount of investment over and above the amount insured under the Federal Deposit Insurance Corporation. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None. A complete copy of the Resolution as adopted is on file at the Office of the County Clerk.

The Board next reviewed Resolution 2023-2 regarding the transfer of funds from Cheyenne County General 100 Fund to the Cheyenne County Road/Bridge 300 Fund. On November 21, 2022, the Board adopted Resolution 2022-24 that authorized the Cheyenne County Treasurer to transfer \$902,085.00 from the General 100 Fund to Road/Bridge 300 Fund to provide adequate funding for that department. At this time, it is not necessary that the funds be transferred. A motion was made by Miller, seconded by Sanders to adopt Resolution 2023-2 authorizing the Cheyenne County Treasurer to transfer the sum of \$902,085.00 from General 100 Fund to Road/Bridge 300 Fund by June 30, 2023. 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 Clerk presented Resolution 2023-3 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 2023-3 as above set forth. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None. A complete copy of the Resolution as adopted is on file at the Office of the County Clerk.

The Holiday Schedule for 2023 was reviewed by the Board. A motion was made by Sanders, seconded by Miller to approve the 2023 Holiday Schedule below. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Monday, January 2	New Year's Day
Monday, January 16	Martin Luther King Jr., Day
Monday, February 20	Presidents Day
Friday, April 7	Good Friday
Friday, April 28	Arbor Day
Monday, May 29	Memorial Day
Tuesday, July 4	Independence Day Observed
Monday, September 4	Labor Day
Monday, October 9	Columbus Day
Friday, November 10	Veterans Day
Thursday, November 23	Thanksgiving
Friday, November 24	Day After Thanksgiving
Monday, December 25	Christmas 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 Sanders, seconded by Miller 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: Johnson, Miller, Sanders. 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: Miller, Sanders, Johnson. Nay: None.

Commissioner Committee appointments for the year 2023 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 2023 was reviewed. After a discussion, a motion was made by Miller, seconded by Sanders to approve the following appointments. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Tom Payne	Building and Grounds Superintendent
Doug Hart	Highway Superintendent
Ronald Leal	Emergency Management Coordinator
Heidi Gillespie	Emergency Communications Director
Fred Wiedeburg	Veterans Service Officer
Colleen Terman	Planning and Zoning Administrator
Kendra Mitchell	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.

At 10:10 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: Johnson, Miller, Sanders. Nay: None.

Cheyenne County Assessor Melody Keller discussed a Tax List Correction for the tax year 2022. The Property Assessment Division originally denied the homestead exemption for Arlene Tank based on reported income. Assessor Keller subsequently received a notice from the Property Assessment Division that Mrs. Tank was eligible for a 100% exemption for the tax year 2022 based on amended income. 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 10:15 A.M., a motion was made by Miller, seconded by Sanders to adjourn the Board of Equalization and reconvene as the Board of Commissioners. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Deputy Sheriff Ron Kissler reported to the Board that Cheyenne County received a grant from the NIRMA ASSIST Program reimbursing the County for the cost of a computer server for the Cheyenne County Sheriff's Office security system. The amount of the Grant was \$5,253.40.

Next, Deputy Kissler updated the Board on the State grant for Courtroom technology. The amount of the grant for the County Courtroom is \$57,368.43 and the amount of the grant for the District Courtroom is \$76,992.52. The grant will cover new equipment, labor and support for 5 years for each Courtroom. Cheyenne County will have no financial responsibility. This is strictly a grant. A motion was made by Sanders, seconded by Miller to move forward with the project as proposed. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Highway Superintendent Doug Hart updated the Board on road activities.

At 10:35 A.M., a motion was made by Miller, seconded by Sanders to go into executive session to discuss personnel. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

At 11:45 A.M., a motion was made by Sanders, seconded by Miller to exit executive session. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Under comments from the public, Eric Pool spoke regarding a complaint that had been lodged against the County from the Nebraska Commission for the Deaf and Hard of Hearing. Susan Whitaker, Advocacy Specialist/Education Advocate from the Commission, stated that an oral complaint had been received regarding effective communication to people who have hearing loss. It was explained to the group that steps are being taken to remedy this situation in the Commissioners meeting room.

There being no further business to come before the Board, the meeting was adjourned at 11:45 A.M.

Dated this 3rd day of January 2023.

Darrell J. Johnson, Chairman

Philip E. Sanders, Vice-Chairman

Randal D. Miller, Member

ATTEST:

Beth E. Fiegenschuh, Cheyenne County Clerk