

CHEYENNE COUNTY COMMISSIONERS MEETING

January 19, 2021

The Cheyenne County Board of Commissioners and Board of Equalization held an open and public meeting on Tuesday, January 19, 2021 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 KSID 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 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 2021. 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 2021. 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 2021. 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 2021. Johnson 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 January 4, 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 102,284.10-Sa; BEC Construction LLC 312.00-Ex; Elizabeth Borgmann 44.39-Mi; Burke & Wilson 472.50-Se; Jim Bush 141.82-Ex; Campbell Drug 263.52-Se; CenturyLink Phoenix 60.24-Se; CenturyLink Phoenix 563.76-Ut; Cheyenne Co Clerk 3,760.29-Ex/Se; Cheyenne Co Clerk 7,080.75-Re; Cheyenne Co Clerk 7,603.33-Ta; Cheyenne Co Dist Court 773.00-Se; Cheyenne Co Sheriff 819.48-Se; Cheyenne Co Treasurer 19,266.46-Ex; Cheyenne Co Treasurer 91.42-Ex; City of Sidney 4,888.69-Ut; CNN Electrical Serv LLC 315.00-Se; Combined Public Comm 450.00-Se; Connecting Point 95.63-Ex; Country Printer 135.00-Su; Cranmore Pest Control 50.00-Se; Culligan

228.70-Su; Dash Medical Gloves 209.80-Su; Katie Samples Dean 86.80-Se; Destiny Counseling 50.00-Se; DP Electronics 2,592.40-Se/Su; Eakes Office 1,461.66-Su/Ex; Steven E Elmshaeuser 890.00-Se; Finneys 406.68-Su/Ex; Frenchman Valley Coop 1,432.54-Ex; Garden Co Sheriff 2,050.00-Se; Gehrig Stitt Chapel & Cremation Serv 387.00-Se; Grainger 20.85-Ex; GreatAmerica Fin Serv Corp 117.18-Ex; Robert S Harvoy 725.00-Se; Hometown Leasing 936.44-Ex; Amber Horn 750.00-In; Huber & Assoc 615.00-Ex; Kokes Auto Farm Truck 30.78-Ex; Lincoln Co Detention Ctr 750.00-Se; Mid States Organized Crime Info Ctr 100.00-Ex; Midwest Connect 290.00-Su; MIPS 2,681.68-Se; Lynn Namuth 331.50-Se; NE CDC Assoc 50.00-Ex; NE Clerk of Supreme County 252.00-Se; NebraskaLand Tire 80.28-Se; Nossaman Pettitt Law Firm PC LLO 212.75-Se; Points West Ins 40.00-Ex; Quadiant Finance 78.00-Ex; Regional West Med Ctr 1,778.20-Se; Reynolds Korth & Samuelson PC LLO 140.00-Se; Paul Schaub 93.08-Se/Mi; Scotties Potties 100.00-Se; Sidney Public Schools 5,795.00-Se; Sidney Sun Telegraph 619.61-Se; Smith King Simmons & Conn PC 213.50-Se; Sonnys 4,439.52-Su; Time Warner Cable/Spectrum 79.98-Se; Thomson Reuters 415.13-Ex; Triple Os Bldg Sup 40.70-Ex; UNL Print & Copy Serv 114.54-Su; USDA Aphis 2,331.66-Ex; Verizon Wireless 172.62-Se; Viaero Wireless 523.86-Se; Westfield Pharmacy 20.00-Se; WheatBelt PPD 50.56-Ut; WheatBelt PPD 739.74-Ut.
TOTAL: \$ 184,996.12.

ROAD FUND

Employee Payroll 37,113.67-Sa; Bomgaars 223.97-Ex; Tevis Brown 31.63-Mi; Cheyenne Co Clerk 2,505.21-Re; Cheyenne Co Clerk 2,737.83-Ta; Cliff Farms 2,181.00-Ex; Eakes Office 407.41 -Su; Floyds Truck Ctr 666.76-Ex; Frenchman Valley Coop 4,602.18-Ex; High West Energy 162.26-Ut; Ideal Linen 84.62-Ex; Kevins Custom Electric 88.00-Su; Richard McManis 31.00-Ex; Michael Todd & Co 902.60-Ex; Matthew Mitchell 832.63-In; NE Highway Supts Assoc 50.00-Ex; NE Machinery Co 3,029.48-Ex; Nienhueser Farms 897.00-Ex; Powerplan 6,404.13-Ex; Safety Kleen 255.00-Ex; Spectrum 84.99-Se; US Bank 25.39-Ex; Verizon Connect NWF Inc 210.47-Se; Village of Gurley 846.00-Ut; Village of Potter 93.46-Ut; WheatBelt PPD 148.46-Ut.
TOTAL: \$ 64,615.15.

VISITORS FUND

Employee Payroll 1,740.80-Sa; Cheyenne Co Clerk 14.00-Ex; Cheyenne Co Clerk 117.50-Re; Cheyenne Co Clerk 130.37-Ta; City of Sidney 188.66-Ut; Kevin Howard 1,500.00-In; Lamar Companies 740.00-Ex; Sidney Sun Telegraph 11.04-Se, Viaero Wireless 106.59-Se.
TOTAL: \$ 4,548.96.

PRESERVATION MODERNIZATION FUND

MIPS 320.40-Se.
TOTAL: \$ 320.40.

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Cheyenne Co Clerk 93.50-Ex; City of Sidney 23,798.46-Ex; White Bluffs Vet Hosp 100.00-Se.
TOTAL: \$ 23,991.96.

E911 FUND

Employee Payroll 13,637.30-Sa; CenturyLink 1,118.08-Ut; Cheyenne Co Clerk 2,461.45-Ex; Cheyenne Co Clerk 920.54-Re; Cheyenne Co Clerk 1,009.14-Ta; Culligan 29.95-Su; DP Electronics 50.00-Se; Equature 5,706.00-Ex; GeoComm 612.00-Ex; Ideal Linen 29.77-Ex; Lingo Commun 281.36-Ut; Spectrum 223.39-Se.
TOTAL: \$ 26,078.98.

EMERGENCY MANAGEMENT FUND

Employee Payroll 3,801.49-Sa; Cheyenne Co Clerk 34.30-Su; Cheyenne Co Clerk 256.60-Re; Cheyenne Co Clerk 272.55-Ta; E&S Inc 55.56-Ex; Finneys 54.52-Ex; Evie Flessner 513.63-In; Frenchman Valley Coop 174.73-Ex; NAEM 150.00-Ex; Splish Splash Car Wash 20.00-Ex; SYNCB/Amazon 551.18-Su/Ex.
TOTAL: \$ 5,884.56.

A motion was made by Miller, seconded by Sanders to approve and pay all claims with the exception of Claim #2101536 to Gehrig-Stitt Chapel & Cremation Services LLC. The amount of the claim was \$3,387.00. Included in the amount were County Burials for Philip C. Larsen and Regena Bartles. Applications for the two County Burials were never received nor were the applications approved by the Board of Commissioners. Accordingly, Claim #2101536 was approved in the amount of \$387.00. The \$3,000.00 included on this claim was denied. All other claims were approved as stated above. Delinquent taxes were deducted where owing. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

There was no correspondence to review.

The Board reviewed Monthly Fee Reports for the month of December for the Clerk, Treasurer, Clerk of the District Court and Highway Superintendent and for the month of November for the Sheriff. A motion was made by Miller, seconded by Sanders to approve the Monthly Fee Reports as presented. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

Planning and Zoning Administrator Colleen Terman presented a Floodplain/Floodway Development Permit from Union Pacific Railroad to reconstruct/replace Bridge #403.26 located in Section 25, Township 14 North, Range 49 West of the 6th P.M., Cheyenne County, Nebraska. On December 28, 2020, the Planning and Zoning Commission approved the application with the recommendation that it be forwarded to the Board for final approval. After a discussion, a motion was made by Johnson, seconded by Miller to adopt Resolution 2021-2 approving the Floodplain/Floodway Development Permit as presented. 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.

Randy Mathewson addressed the Board and requested County Road 24 between County Road 77 and County Road 79 be vacated. Highway Superintendent Doug Hart, Mark Onstott and Kevin Fry were present for the discussion. Mark Onstott, Fire Chief from Potter, Nebraska, expressed concern over vacating the road and installing fences as this could possibly hinder fire equipment from reaching a fire. Mr. Mathewson inquired if he could place cattle gates on the property. The Board directed Highway Superintendent Hart and County Attorney Paul Schaub to research the matter.

Superintendent Hart presented the feasibility study regarding the vacation of Road 89 between County Road 10 and County Road 12. Dick and Evelyn Herboldsheimer, Marilyn McMillen, Troy Kurz and John Lessman were present for the discussion. Mr. Herboldsheimer requested the vacation of County Road 89 between County Road 10 and County Road 12. County Attorney Schaub explained the process to vacate a road pursuant to Nebraska Statute 39-1722. This matter was previously addressed at the April 5, 2010 Commissioners meeting where it was discussed that County Road 89 between County Roads 10 and 12 was opened on July 3, 1928. At that April 5th meeting, it was the opinion of the Commissioners that the road will continue to be an open road. After further discussion, it was the consensus of the Board that County Road 89 between County Road 10 and County Road 12 is an open road and will remain so. It will not be vacated at this time.

Superintendent Hart updated the Board on road activities.

The Board considered an application from Eloy Maes for general assistance requesting funds for a County burial for Gena Maes. According to the Guidelines established for the General Assistance Program, the maximum amount allowable for a County burial is \$1,500.00. County Attorney Paul Schaub explained that this request meets the Guidelines set forth in the General Assistance policy and recommended approval. A motion was made by Miller, seconded by Sanders to approve the request for funds for a County burial for Gena Maes in the amount of \$1,500.00. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Mindy Wiegand and Sandee Bybee 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 5, 2021 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.

County Treasurer Shelley Bowlin discussed 2019 Distress Warrants corrections. Sheriff Adam Frerichs was present. There were an additional 8 warrants issued in the amount of \$25,791.92. The Distress Warrants were improvements on leased land working/royalty interests. A motion was made by Miller, seconded by Sanders to approve the Distress Warrants Corrections report as submitted. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Treasurer Bowlin then presented the Semi-Annual report from July 1, 2020 through December 31, 2020. A motion was made by Miller, seconded by Sanders to approve the Semi-Annual report as presented. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

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

Jim Pelster addressed the Board regarding the Union Pacific Railroad crossing at County Road 109. The Railroad had been contacted several times by residents on County Road 109, but has not responded. The Board directed County Attorney Schaub to look into the matter.

The Clerk presented Resolution 2021-3 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 2021-3 as above described. 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 2021 was reviewed by the Board. A motion was made by Sanders, seconded by Miller to approve the 2021 Holiday Schedule below. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

Monday, January 18	Martin Luther King Jr., Day
Monday, February 15	Presidents Day
Friday, April 2	Good Friday
Friday, April 30	Arbor Day
Monday, May 31	Memorial Day
Monday, July 5	Independence Day Observed
Monday, September 6	Labor Day
Monday, October 11	Columbus Day
Thursday, November 11	Veterans Day
Thursday, November 25	Thanksgiving
Friday, November 26	Thanksgiving
Friday, December 24	Christmas Eve Day
Friday December 31	New Year's Eve Day

The Department of Administrative Services adjusted the mileage reimbursement rate to 56¢ per mile to match the IRS rate effective January 1, 2021. 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 decreased to 59¢ per mile effective January 1, 2021. A motion was made by Miller, seconded by Sanders to decrease the mileage reimbursement rates as above set forth. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

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: Miller, Sanders, Johnson. 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 Sanders, seconded by Miller to enter into an open contract with Dick's Flooring, LLC as above stated. Roll Call: Aye: Sanders, Johnson, Miller. 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 Sanders, seconded by Miller to enter into an open contract with RK Electric as above stated. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Commissioner Committee appointments for the year 2021 were next discussed. A motion was made by Miller, seconded by Sanders to approve the Committee appointments as follows. Roll Call: Aye: Miller, Sanders, Johnson. 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

The list of Appointed Officials for the year 2021 was reviewed. After a discussion, a motion was made by Sanders, seconded by Miller to approve the following appointments. Roll Call: Aye: Sanders, Johnson, Miller. 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
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. KSID Radio of Sidney was designated as the official radio station. Roll Call: Aye: Johnson, Miller, Sanders. 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: Miller, Sanders, Johnson. Nay: None.

The Board considered the appointments to the Cheyenne County Planning and Zoning Commission. The terms of Pat Dorwart, Bill Sydow and Walter Narjes expired on December 31, 2020. A motion was made by Miller, seconded by Sanders to reappoint Pat Dorwart, Bill Sydow and Walter Narjes to the Cheyenne County Planning and Zoning Commission with the term to be from January 1, 2021 to December 31, 2023. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

The Board next considered the appointments to the Cheyenne County Fair Board. The term of Troy Kurz expired on December 31, 2020. A motion was made by Miller, seconded by Sanders to reappoint Troy Kurz to the Cheyenne County Fair Board with the term to be from January 1, 2021 to December 31, 2023. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

At 9:45 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.

Melody Keller, County Assessor, presented a tax list correction for a Homestead Exemption for Dennis Wamsley for the tax year 2020. Mr. Wamsley was unable to complete the Homestead Exemption application on a timely basis. An application for late filing was

submitted and approved by the State. 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 Region 1 Office of Human Development for the tax year 2019. This is an exempt property and is used for charitable purposes and is a home for special needs individuals. There was a clerical error in that the property should have been exempt for 2019. A motion was made by Sanders, seconded by Miller to approve the Tax List Correction. Roll Call: Aye: Johnson, Miller, Sanders. Nay: None.

Assessor Keller presented Tax List Corrections for Fahey's Public House LLC for the tax year 2019 and for tax year 2020. There was a clerical error in that the entity owned the building but not the business. A motion was made by Miller, seconded by Sanders to approve the Tax List Corrections. Roll Call: Aye: Miller, Sanders, Johnson. Nay: None.

There were 5 Tax List Corrections for Philip N. Hudson for tax year 2020 and 5 Tax List Corrections for Delacosta Energy LP for tax year 2020. These corrections involve mineral interests. A clerical error was made when each parcel was not separately assessed. A motion was made by Miller, seconded by Sanders to approve the Tax List Corrections as above set out. Roll Call: Aye: Sanders, Johnson, Miller. Nay: None.

At 9:55 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: Johnson, Miller, Sanders. Nay: None.

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 19th day of January 2021.

Darrell J. Johnson, Chairman

Philip E. Sanders, Vice-Chairman

Randal D. Miller, Member

ATTEST:

Beth E. Fiegenschuh, Cheyenne County Clerk