

**Board of County Commissioners Regular Meeting**

**October 10, 2022**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Chairman Mike Baughn called the REGULAR Commissioners Meeting to order at 9:00 a.m. at the Thomas County Historical Courthouse on Monday, October 10, 2022; followed by the flag salute (Pledge of Allegiance) with Commissioner Brian Luedke, County Clerk Keesa Mariman, County Attorney Chris Rohr, Road and Bridge Supervisor Clair Schrock, Emergency Management Director David Becker, EMS Director Scott Reese, Sheriff Tom Nickols, Maintenance Director Josh Faber, Michelle Morris, Phyllis Janousek, Nancy McCabe, Bob Harper, Becky Dempewolf, David Pinckard, and Colby Free Press reporter Sloane Enninga.

**WELCOME AND ANNOUNCEMENTS:** No announcements.

**PUBLIC COMMENT:** No announcements

**AGENDA ADDITIONS/REVISIONS:** Commissioner Brian Luedke made a motion to approve the agenda as amended to add County Seal and Transportation Letter of Support, IT Security Options, MISC Item-High Plains Mental Health Minutes; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**OPEN SEALED BIDS ON TRACTOR:** The first bid opened was from American Implement in the amount of \$125,285.00 for a John Deere 6140M Cab Tractor. A second bid from Farm Implement and Supply was provided for a T6.180-New Holland Tractor with 300 Engine hours in the amount of \$119,800. Another bid from Farm Implement and Supply was received for a T6.180 EC-6 Cylinder in the amount of \$135,600 with a 2-year Machine Warranty and is brand new. A 4<sup>th</sup> bid was received from Colby Ag for a Case Tractor with a 2-year warranty in the amount of \$162,000. Commission requested to have Supervisor Clair Schrock look these over and bring back a recommendation later in the meeting.

**OPEN SEALED VEHICLE BIDS-APPRAISER:** The first bid opened was from Colby Dodge for a new 2023 Grand Cherokee (White) in the amount of \$21,795 with trading in the current trail blazer and pickup. A second bid from Colby Dodge for a used 2020 KIA Blue Sportage with 68,366 in the amount of \$5,974 with trading in the current trail blazer and pickup. A third bid from Colby Dodge was received for a 2019 Mazda CX-5 in the amount of \$10,957 with trading in the current trail blazer and pickup. A final bid from Colby Dodge for a 202 Mitzubishi Outlander in the amount of \$14,947 with trading in the current trail blazer and pickup.

One bid was received from Tubbs and Sons for a 2021 Escape-SEL All-Wheel Drive with Mileage of 4,942 in the amount of \$11,900 with trading in the current trail blazer and pickup.

MC Auto provided a bid for a 2019 Jeep Cherokee-Limited with mileage of 42,223 in the amount of \$6,500 with trading in the current trail blazer and pickup. A second bid from MC Auto for a 2019 Ford-Edge with 37,415 miles in the amount of \$7,000 500 with trading in the current trail blazer and pickup. A third bid from MC Auto for a 2020 Nissan Pathfinder with 55,678 miles in the amount of \$4,700 with trading in the current trail blazer and pickup. A fourth bid from MC Auto for a 2019 Kia with 32,594 miles in the amount of \$3,500 with trading in the current trail blazer and pickup. A fifth bid from MC Auto for a 2018 Chevy Equinox with 62,500 miles in the amount of \$0 with trading in the current trail blazer and pickup.

Commission had Michelle Morris get these back to Appraiser Bruce Webb to come back with a recommendation later in the meeting.

**RECESS:** The Commission stood at recess for the purpose of meeting as the County Board of Health.

**MEET AS COUNTY BOARD OF HEALTH:** Chairman Mike Baughn moved to meet as the County Board of Health and asked County Attorney Chris Rohr to speak. The County Attorney and Sheriff Tom Nickols went to the property again and it is of the County Attorney's opinion that the concerns have been addressed. He has pictures from before and after. The BOH stood at recess while photos were uploaded to the screen for review. Reconvened at 9:27 a.m. County Attorney Chris Rohr showed pictures from March and pictures taken as of this morning. David Pinckard met with the County Attorney and Sheriff and he has complied with the order in the County Attorney's opinion. County Attorney Chris Rohr is satisfied and believes the nuisance on rodents and insects has been mitigated. The County Attorney also feels David Pinckard has made significant progress. Sheriff Tom Nickols agreed that it is 100% better than what it last Thursday when he went to the property.

Neighbor Becky Dempewolf asked if the four vehicles in the tree row are able to stay. The County Attorney explained that the law stats 10 vehicles or more. He believes he cannot do anything at this point regarding any vehicles. It was the County Attorney's understanding that the state was going to send an agent out. According to the County Attorney, if the state wants to come out and view and disagrees then they have the authority to take additional action. County Attorney Chris Rohr explained that if we knit pick the property then he (County Attorney) can find 20+ other properties to knit pick around Thomas County. Becky Dempewolf is concerned that they do not run and wants to know if they are tagged. The County Attorney explained that the county is not like the City. Thomas County doesn't have the authority like the City as we do not have specific zoning policies which makes it difficult.

Phyllis Janousek stated that she has spoken with the neighbors and they agree that it is much better. She feels there are still issues that need to be addressed with the semi-trailer parked along the highway. She also knows there is a smaller trailer in the back yard that was put in there by previous owners. She explained that if you come down Co Road V or Aspen street you cannot see around it. In her opinion, the semi does seem to be a hazard, and the back yard has not been addressed as far as mowing or cleaning. Mrs. Janousek wants to thank the BOH and is thankful for the intervention. She feels that neighbors can now at least see hope. Mrs. Janousek stated that Mr. Pinckard should be commended for taking the effort to get this taken care of. Everyone in their neighborhood takes care of everyone else and they all help each other out. This has not been the case with Pinckard. Mrs. Janousek continued to state that they hope they can change this going forward and there are no hard feelings and everyone is thankful it got taken care of.

Chairman Mike Baughn stated as far as the BOH goes, the issues that the BOH can take care of have been. The Sheriff and Co Atty will continue to keep an eye on this matter. County Attorney Chris Rohr stated he took off work and had gas expenses to haul things off and doesn't feel a fee should be applied. Becky Dempewolf said she doesn't think it will be addressed permanently and if no fee is enforced it could give him an excuse to do it in the future. The original order was for a \$100/day for a fine starting October 1<sup>st</sup> or the order could be withdrawn if the BOH would like with no consequence. Phyllis Janousek wants to remind the BOH that they have been dealing with this issue since March. She believes he chose to wait until there was a penalty before he acted. Commissioner Brian Luedke agrees that we stick with our sanctions and that it is his problem for waiting until the last minute. Commissioner Brian Luedke also believes threats are not any good unless we follow through. He believes it is the same as getting a speeding ticket. He feels the penalty should stay in place. Sheriff Tom Nickols also explained that tickets do sometimes get dismissed as well.

After much discussion, Chairman Mike Baughn made an order that the fee be reduced to \$50/day for the 14 days since the original order had been substantially complied with and the fee be \$50/day; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously. Chairman Mike Baughn thanked everyone for their concern and participation. Chairman Mike Baughn made a motion to adjourn meeting as the County Board of Health; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

Chairman Mike Baughn made a motion to reconvene as the Board of County Commissioners and to move forward with the County Board of Health recommendation; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**LINE ITEM TRANSFERS:** Commissioner Brian Luedke made a motion to approve the following Line Item Transfers from the Health Department to reimburse account 206-596-30029 from account 206-596-30031 in the amount of \$77.34, and to reimburse 206-596-30157 from 206-596-30166 in the amount of \$347.99; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**EMPLOYEE PROMOTION:** Commissioner Brian Luedke made a motion to increase Kaila Deboer's salary from \$15 per hour to \$15.50 effective 9/23/2022 as she has completed her 6-month probationary period; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**EXECUTIVE SESSION-IT SECURITY:** Chairman Mike Baughn made a motion to go into Executive Session beginning at 9:56 a.m. for 15 minutes and return at 10:11 a.m. for the purpose of IT Security to include the Commission, County Attorney, Emergency Management Director David Becker, and County Clerk Keesa Mariman; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**OPEN SESSION:** With no binding action taken, Chairman Mike Baughn made a motion to go back into open session at 10:11 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**IT-BACKUP- ANCHOR:** Anchor Network Solutions provided a proposal for the current back up procedures Thomas County has and recommended going a different direction for security purposes. This would eliminate any issues with it being off site. Commissioner Brian Luedke made a motion to approve \$4,550 per month back up with Anchor Network Solutions and to authorize the Chair to sign; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**TAX ROLL CORRECTIONS:** Chairman Mike Baughn made a motion to approve the following tax roll corrections:

An abatement of Oil for 2021 with Hartman Oil Company with a net change in tax dollars of -\$481.14 (This is a BOTA Determination)  
An abatement of Oil for 2021 with LD Drilling with a net change in tax dollars of -\$653.52 (This is a BOTA Determination)

The motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**APPROVE SEPTEMBER 6, 12, & 19 MINUTES:** Commissioner Brian Luedke made a motion to approve the September 6, 12 & 19 Minutes; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**APPOVE AP:** Commissioner Brian Luedke made a motion to approve the Accounts Payable Payment Registers as follows: **Courthouse General in the amount of \$82,483.85 (wrong amount approved on Sept 12<sup>th</sup>), and Courthouse General \$80,185.55, (as reviewed by both County Attorney Chris Rohr and Commissioner Brian Luedke); the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.**

**TRACTOR BIDS:** Supervisor Clair Schrock made a recommendation to go with the American Implement bid in the amount of \$125,285. Commissioner Brian Luedke made a motion to accept Clair's recommendation and to purchase the tractor from American Implement in the amount of \$125,285; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**LETTER FROM ACCESS-DEVELOPMENTAL SERVICES:** Commissioner Brian Luedke made a motion to authorize the Chair to sign a letter of support for DSNWK; the motion was seconded by Chairman Mike Baughn, with no further discussion the motion carried unanimously.

**COUNTY SEAL:** The official county seal has been selected and approved and Chairman Baughn showed a couple different colorized options to be used as well.

**MISC:** The following was received: Thomas Co Extension Minutes, Landfill Monthly Reports, Road and Bridge monthly reports, DSNWK Annual Luncheon invitation, NWKS Area on Aging Newsletter, and High Plains Mental Health Minutes.

**OPEN SEALED VEHICLE BIDS-APPRAISER:** It was decided to defer any decision on Appraiser's recommendation for the next meeting

**ADJOURNMENT:** *With no further business Chairman Mike Baughn made a motion to adjourn at 10:38 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.*

ATTEST:



Keesa Mariman  
Keesa Mariman, County Clerk

Dated: 11/30/2022

BOARD OF COUNTY COMMISSIONERS, THOMAS COUNTY

Mike Baughn  
Mike Baughn, Chairman

Brad Flipse  
Brad Flipse, Member

Brian Luedke  
Brian Luedke, Member