

# BOARD OF COMMISSIONERS MINUTES

## August 29, 2023

The Cherry County Board of Commissioners convened in regular session on August 29, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice in the Valentine Midland News every week, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 10:01 a.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, and Cherry County Clerk Brittny Longcor. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer and the Pledge of Allegiance was recited.

The Board of Commissioners regular meeting minutes from August 8, 2023 were read. McConaughy moved and Nelson seconded to approve the minutes as corrected. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

The Board of Commissioners special meeting minutes from August 16, 2023 were read. DeNaeyer moved and Nelson seconded to approve the minutes as read. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

The Board of Commissioners special meeting minutes from August 22, 2023 were read. Nelson moved and McConaughy seconded to approve the minutes as read. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

The Board reviewed emails from Zoning Administrator Jessica Coyle and Chris Gentry regarding his resignation from the Planning Commission. Nelson moved and McConaughy seconded to accept Chris Gentry's resignation from the Cherry County Planning Commission. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

The Board reviewed a letter submitted by Marla Shelbourn expressing interest in being appointed to the Planning Commission and allowed time for Marla to discuss her qualifications. The Board discussed geographical consideration of members of the Planning Commission, upcoming expiring appointments, and that Commissioner McConaughy has contact information for people to consider from the western side of the county. Commissioner DeNaeyer and Clerk Longcor discussed the addition and removal of items from the agenda.

Nelson moved and McConaughy seconded to appoint Marla Shelbourn to the Cherry County Planning Commission, effective immediately, to the term vacated by Christopher Gentry and set to expire on January 11, 2026. Roll call vote: Aye – McConaughy, Nelson. No – DeNaeyer. The motion carried.

The agenda item regarding Keya Paha County – EMPG Discussion will be postponed until the October 31, 2023 meeting.

Valentine Public Library Director Anne Quigley and Assistant Director Caroline Graham met with the Board to provide an overview of the Library and Bookmobile's budget. Bookmobile services, utilization, and maintenance were discussed. The prior year's property tax request, PILT payment funding, and interlocal agreement amounts were also discussed.

Highway Superintendent Lloyd Smith presented the Board with an engineering estimate from Mainelli Wagner for the relocation of a portion of Anderson Bridge Rd and the replacement of Anderson Bridge. County Attorney Eric Scott was present to discuss the potential replacement of said bridge and the NDOT County Bridge Match Program. No Board action was taken on the agenda item regarding Anderson Bridge & Anderson Bridge Rd Quotes for Engineering and Structure Replacement.

The Board met with Patrick Moore, Good Life Architecture, via Zoom and with Kyle Arganbright, Valentine City Council; Regina Osburn, Cherry County Tourism Director; and members of the Visitors Promotion Board, Greg

Nollette, Anne Clarke, and Rich Mercure, to discuss the results of the feasibility study for a joint Convention Center. Site evaluation, community input meetings, plan design scenarios, and funding sources were discussed. It was reiterated that the City of Valentine and Cherry County have no intent to utilize property taxes to fund said Convention Center. Estimations for revenues and expenses, uses of office space, weekly committee meetings, and the next steps for the project were also discussed. No Board action was required at this time.

At 11:35 a.m. Chairman DeNaeyer opened the public hearing regarding CUP #002/23 Marvin Miller – Welding and Sharpening Bandsaw Blades for Portable Sawmills, Etc. Also Sharpening Other Tools for Farmers and Homeowners. Mr. Miller stated that the use of the permit would be for the production of and sharpening of bandsaw blades and will also be open to the public for sharpening blades.

Zoning Administrator Jessica Coyle stated that under the current Zoning Regulations welding is considered industrial, there was no testimony received from the public during the Planning Commission's public hearing, the Planning Commission had voted unanimously to recommend approval of the CUP, and that Conditional Use Permits do go with the land. John Ravenscroft offered testimony in support of the application. At 11:41 a.m. Chairman DeNaeyer closed the public hearing.

Administrator Coyle provided the Board with Zoning Resolution #Z-90 to approve the application for a Conditional Use Permit #002/23 as submitted by Marvin Miller. McConaughey moved and DeNaeyer seconded to approve Zoning Resolution #Z-90. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

At 11:45 a.m. Chairman DeNaeyer opened the public hearing regarding CUP #003/23 James Yoder – Manufacturing of Portable Log Cabins and Kits. Mr. Yoder stated that he has experience building log cabins and kits and that it will be a family-sized business as he has two older boys. The lumber to be used will be hauled in from several sources and will consist of lodgepole pine, spruce, and white cedar. There is no intent to use local trees; they are not suited for the use. The truck traffic, on average, will be one to two trucks per week.

Administrator Coyle stated that there was no testimony received from the public during the Planning Commission's public hearing and that the Commission had voted unanimously to recommend approval of the CUP. Written testimony from Carolyn Semin was read by Merrial Rhodes. Catherine Morris questioned the size of trucks that would be used to haul the lumber and the potential for an increase in truck traffic. Mr. Yoder confirmed that a semi-truck and flatbed trailer would be used. Sam Day spoke in support of managing the trees to prevent fire hazard in the area. Bob Goodwin stated that his concern as a local resident and landowner was an increase in traffic. At 12:01 p.m. Chairman DeNaeyer closed the hearing.

Administrator Coyle provided the Board with Zoning Resolution #Z-91 to approve the application for a Conditional Use Permit #003/23 as submitted by James Yoder. Nelson moved and DeNaeyer seconded to approve Zoning Resolution #Z-91. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried.

Administrator Coyle spoke with the Board regarding dates and procedures for a public hearing regarding CUP #001/23. DeNaeyer moved and McConaughey seconded to set the public hearing regarding CUP: 001/23 TK Angus Co. New Construction of a Confined Animal Feeding Operation – Swine Finisher Housing 4,999 Head Over 55 Lbs to be on October 10, 2023 at 4:00 p.m. in the Courtroom of the Cherry County Courthouse, with a speaking time limit for testimony of three (3) minutes per present individual. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Administrator Coyle extended an invitation for the Commissioners to attend the upcoming Planning Commission Open Houses.

Emergency Management Director Matt Sandoz and Deputy Emergency Manager Jessica Coyle updated the Board regarding Salamander RapidTag training, grant money has been received for the Owl and Smart Board, 'swatting' calls are happening again across the state, LEOP update for the Courthouse, the Motorola dispatch consoles project is in the final stages, the SEAT plane is down for the year, they are looking for grants for SRS radios, hazard mitigation

update is due in 2026, setting a burn ban, communications trailer preparation, and upcoming EMPG required Capstone training.

After speaking with Sheriff Rusty Osburn and Justice Center Administrator Sharon Hesse regarding the Equature quote, Director Sandoz doesn't recommend the upgrade for the PSAP recording device at this time. No Board action was taken on the agenda item regarding the Emergency Management Equature Quote.

Commissioner McConaughey stated that Road District #3 wants to buy a used payloader during an upcoming auction.

McConaughey moved and Nelson seconded to approve the Request for Funds CDBG #21-TD-001. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

Clerk Longcor reviewed portions of Nebraska Revised Statute 77-1633 regarding the property tax request and joint public hearing. McConaughey moved and DeNaeyer seconded to designate Clerk Longcor as the representative to attend the joint public hearing on behalf of Cherry County. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried.

The Board received comments from the public during the allotted time.

Superintendent Smith confirmed that the program compliance requirements for Highway Allocation funds have been met. McConaughey moved and Nelson seconded to adopt Resolution #2023-07 Signing of the County Annual Certification of Program Compliance 2023. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Superintendent Smith informed the Board that the Kennedy Rd project is complete and that he will contact Game & Parks and the Forest Service regarding Anderson Bridge Rd before the next meeting.

The Board recessed from regular session to convene as a Board of Equalization from 1:20 p.m. to 1:34 p.m.

Nelson moved to accept the residential appraisal training bid from Bryan Hill, Lake Mac Assessment, contingent upon an acceptable contract to be reviewed by the County Attorney. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried.

Superintendent Smith spoke with the Board regarding striping N Kilgore Rd. The Board requested pricing for said striping.

The Board recessed from regular session to convene as a Board of Corrections from 1:49 p.m. to 2:36 p.m.

DeNaeyer moved and Nelson seconded to approve claims. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

## August 31, 2023 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	<b>275,062.73</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			\$ <b>275,062.73</b>
<b>GENERAL FUND</b>			
Accelerated Receivables Solutions		Garnishment	\$250.47
AFLAC		Withholdings/Insurance	\$2,537.10
Ameritas Life Insurance/Retirement		Withholdings/Retirement	\$19,725.37
Ameritas Life Insurance/Dental		Withholdings/Insurance	\$2,832.30

Blue Cross Blue Shield	Health Insurance Funding	\$2,010.00
Cherry County Health Account	Health Claims Funding	\$39,070.50
EFTPS	Withholdings/Taxes	\$37,679.82
HM Life Insurance Company	Health Insurance Funding	\$22,038.45
Journal Entry	Refund	(\$58.46)
Journal Entry	Refund/Training Cancelled	(\$350.00)
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$2,950.00
NE Department of Revenue	Withholdings/Taxes	\$5,948.97
Quadient Finance USA	Postage	\$516.00
Eric Scott Law	Clerical Salary/Rent/Telephone/Equipment	\$8,219.45
SD Child Support Payment Center	Garnishment	\$1,293.00
Vision Service Plan	Withholdings/Insurance	\$517.90
General Fund Payroll	Gross Wages & Salaries	\$176,702.95
	GROSS TOTAL	\$321,633.35
	Adjustment for employees' share of withholdings	(\$46,570.62)
	NET TOTAL	\$275,062.73

Claims were presented in the amount of \$ 145,807.06  
and disallowed in the amount of \$ -  
A warrant was ordered drawn on the Road Fund in the amount of \$ 145,807.06

**ROAD FUND**

AFLAC	Withholdings/Insurance	\$1,697.87
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$11,555.96
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$1,172.76
Assurity Life Insurance Company	Withholdings/Insurance	\$14.50
Blue Cross Blue Shield	Health Claim Funding	\$935.00
Cherry County Health Account	Health Claim Funding	\$17,463.58
Credit Management	Garnishment	\$460.40
EFTPS	Taxes/Withholdings	\$21,750.55
HM Life Insurance Company	Health Claim Funding	\$9,924.13
Legal Shield	Services	\$101.70
MassMutual	Withholdings/Retirement	\$300.00
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$1,350.00
NE Department of Revenue	Taxes/Withholdings	\$3,569.56
Quadient Finance	Postage	\$84.00
Vision Service Plan	Withholdings/Insurance	\$202.99
Road Fund Payroll	Gross Wages & Salaries	\$101,948.09
	GROSS TOTAL	\$172,531.09
	Adjustment for employees' share of withholdings	(\$26,724.03)
	NET TOTAL	\$145,807.06

Claims were presented in the amount of \$ 6,434.51  
and disallowed in the amount of \$ -  
A warrant was ordered drawn on the Visitors Promotion Fund in the amount of \$ 6,434.51

**VISITORS PROMOTION FUND**

AFLAC	Withholdings/Insurance	97.37
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$633.92
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$56.46
EFTPS	Taxes/Withholdings	\$1,134.68
NE Department of Revenue	Taxes/Withholdings	\$155.62
Vision Service Plan	Withholdings/Insurance	\$31.84
Visitors Promotion Fund Payroll	Gross Wages & Salaries	\$5,634.86
	GROSS TOTAL	\$7,744.75

	Adjustment for employees' share of withholdings		(\$1,310.24)
	NET TOTAL		<b>\$6,434.51</b>
Claims were presented in the amount of	\$	<b>29,681.72</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Health Claims Fund in the amount of		\$	<b>29,681.72</b>
<b>HEALTH CLAIMS FUND</b>			
Cherry County Clerk	Health Insurance Claims		\$29,681.72
	TOTAL		<b>\$29,681.72</b>
Claims were presented in the amount of	\$	<b>11,025.61</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Emergency Management Fund in the amount of		\$	<b>11,025.61</b>
<b>EMERGENCY MANAGEMENT FUND</b>			
AFLAC	Withholdings/Insurance		9.43
Ameritas Life Insurance/Retirement	Withholdings/Retirement		\$775.94
Ameritas Life Insurance/Dental	Withholdings/Insurance		\$112.92
Blue Cross Blue Shield	Health Claim Funding		\$55.00
Cherry County Health Account	Health Claim Funding		\$1,417.96
EFTPS	Taxes/Withholdings		\$1,599.14
HM Life Insurance Company	Health Claim Funding		\$756.52
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding		\$100.00
NE Department of Revenue	Taxes/Withholdings		\$263.65
Vision Service Plan	Withholdings/Insurance		\$63.68
Emergency Management Fund	Gross Wages & Salaries		\$7,697.23
	GROSS TOTAL		\$12,851.47
	Adjustment for employees' share of withholdings		(\$1,825.86)
	NET TOTAL		<b>\$11,025.61</b>

The Board discussed the 2023-2024 budget. Additional Inheritance Tax interfund transfers and decreasing the Health Insurance Fund funding amounts were discussed.

At 3:45 p.m., with no further business to come before the Board, Chairman DeNaeyer declared the meeting adjourned.

***These minutes are not the official record and may be corrected. A copy of the approved, official minutes is available to the public in the Cherry County Clerk's Office.***

# BOARD OF EQUALIZATION MINUTES

## August 29, 2023

The Cherry County Board of Commissioners convened as a Board of Equalization on August 29, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published August 9, 2023 in the Valentine Midland News, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 1:20 p.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughey, Cherry County Clerk Brittny Longcor, and Cherry County Assessor Jackie Moreland. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

Assessor Moreland presented Tax List Correction #2022-10 Property ID: 160249132 for the acceleration of 2023 taxes per sale and Tax List Correction #2022-11 Property ID: 160665337 for the acceleration of 2023 taxes per request. Nelson moved and McConaughey seconded to approve Tax List Corrections #2022-10 and #2022-11 as presented and authorize the Chairman to sign. Roll call vote: Aye – McConaughey, Nelson, DeNaeyer. The motion carried.

Bryan Hill, Lake Mac Assessment, met with the Board to discuss a bid and the scope of services for appraisal and training. Multi-year contract discount, terms of payment, and contract completion dates were discussed. Assessor Moreland stated that after the completion of the contract, the goal is for the Assessor's Office to be trained to complete the revaluation work in the future. Board action was taken on Lake Mac bid during regular session.

At 1:34 p.m. Chairman DeNaeyer declared the meeting adjourned.

***These minutes are not the official record and may be corrected. A copy of the approved, official minutes is available to the public in the Cherry County Clerk's Office.***

# BOARD OF CORRECTIONS MINUTES

## August 29, 2023

The Cherry County Board of Commissioners convened as a Board of Corrections on August 29, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published August 9, 2023 in the Valentine Midland News, with the agenda being on file in the office of the County Clerk. The meeting was called to order at 1:49 p.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughey, Cherry County Clerk Brittny Longcor, and Cherry County Justice Center Administrator Sharon Hesse. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

Administrator Hesse, Clerk Longcor, and Payroll Clerk Billie Brockley discussed the issues with timecard totals caused by the current 28-day overtime calculation period. In order to fully utilize the TimeClock Plus software, a switch from a 28-day to a 7-day period was discussed. Administrator Hesse agreed that scheduling can be adjusted to allow for the change and to keep overtime as minimal as possible. The 7-day period will run from 12:00 a.m. on Monday to 11:59 p.m. on Sunday. McConaughey moved and DeNaeyer seconded to adjust the work period for Justice Center employees for overtime calculation from a 28-day period to a 7-day period, effective October 16, 2023 at 12:00 a.m.

Requirements to qualify for the law enforcement overtime calculation exemption were discussed. The jail & staff census and LiveScan maintenance contract were also discussed.

At 2:36 p.m. Chairman DeNaeyer declared the meeting adjourned.

***These minutes are not the official record and may be corrected. A copy of the approved, official minutes is available to the public in the Cherry County Clerk's Office.***