

BOARD OF COMMISSIONERS MINUTES

December 12, 2023

The Cherry County Board of Commissioners convened in regular session on December 12, 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 10:00 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 November 28, 2023 were read. McConaughy moved and Nelson seconded to approve the minutes as amended. Roll call vote: Aye - Nelson, DeNaeyer, McConaughy. The motion carried.

The Board of Equalization meeting minutes from November 28, 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 Corrections meeting minutes from November 28, 2023 were read. McConaughy moved and Nelson seconded to approve the minutes as read. Roll call vote: Aye - McConaughy, Nelson, DeNaeyer. The motion carried.

The Board recessed from regular session to convene as a Board of Equalization from 10:15 a.m. to 10:26 a.m.

At 10:27 a.m. the meeting moved to the Sheriff's Conference Room.

Road Supervisor Doug Boyer updated the Board regarding District 1 & 3 road conditions, signing updates, local CDL training and testing options, and auto gate & fencing policies.

Emergency Management Director Matt Sandoz and Deputy Emergency Manager Jessica Coyle updated the Board regarding NG911 ESInet issues, HMP update, and phone & internet installation in the new county office building.

The Board discussed quotes from some local vendors for flooring options in the new office building. Max Eggert met with the Board to discuss quotes for labor and materials, square footage differences, and the timeline for ordering and installation of flooring. Quotes including the same square footage and materials are necessary prior to making a decision.

County Attorney Eric Scott met with the Board to discuss the agenda item regarding Discuss/Act – Adopt Amended Zoning Resolution #Z-92. Mr. Scott stated that it is a records integrity issue and an affidavit is needed for what happened and how it happened. Discussion was had concerning the process for correcting the record and sharing that information with TK Angus Co's attorneys.

At 11:22 a.m. DeNaeyer moved and McConaughy seconded to enter closed session, with the Board and County Attorney to be present, to discuss the item on the agenda regarding adopting Amended Zoning Resolution #Z-92. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried. Chairman DeNaeyer restated the subject matter of the closed session to be adopting Amended Zoning Resolution #Z-92.

At 12:56 p.m. the Sheriff's Conference Room door was opened and the public was allowed to reenter. At 12:57 p.m. DeNaeyer moved and McConaughy seconded to return to open session. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

DeNaeyer moved and Nelson seconded to table the agenda item regarding adopting Amended Zoning Resolution #Z-92 so the County Attorney can provide notice to the attorney representative for TK Angus and allow for the

County Attorney to provide the Board with the procedure to correct the record. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Comments from the public were received during the allotted time.

The Board reviewed the draft Financial Statements received from Contryman Associates for the fiscal year ended June 30, 2023. Chairman DeNaeyer shared some of the items that he had discussed with Jada Thompson CPA during their review of the county's financials. McConaughy moved and Nelson seconded to approve the 2022-2023 audit draft and authorize Chairman DeNaeyer to sign. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

The Board reviewed the Clerk of District Court fee report for November 2023, Treasurer's fund balance listing for November 30, 2023, and Operating Statement report of budget v. actual spending for November 30, 2023.

Justice Center Administrator Sharon Hesse met with the Board to discuss options for an inmate transport van. All-wheel drive and wheelchair-accessibility price increases and the usage and necessity of those upgrades were also discussed. The Board requested that Administrator Hesse obtain quotes for an AWD van. No Board action was taken on the agenda item re: Authorize Purchase of a Transport Van.

Bids were opened for one (1) 2019 used or newer excavator with 1,500 hours or less.

1. NMC, Inc. submitted a bid totaling \$145,500 for a 2024 Caterpillar 308 CR Mini Hydraulic Excavator.
2. Murphy Tractor & Equipment Co. submitted a bid totaling \$97,083 (\$111,500 less rental \$17,600 plus rental interest \$3,183) for a 2019 John Deere 85G Excavator with 1,753 hours.

The Board discussed the appropriate fund for the purchase to be paid out of. The equipment line item out of Road Dist #1 budget was agreed upon. Nelson moved and DeNaeyer seconded to accept the bid for a 2019 John Deere 85G Excavator Stock #169424. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

At 2:02 p.m. Chairman DeNaeyer opened the public hearing regarding Conditional Use Permit #004/23 Bow & Arrow Ranch LLC Conservation Easement.

Preston Smith, Wildwood Managing Partner, sponsor of the conservation project, spoke to the Board on behalf of applicant, Bow & Arrow Ranch. Mr. Smith stated that the project would be used to create offsets for the American Burying Beetle, the offsets could be purchased by NDOT or other purchasers, it would not decrease the tax base, and the easement would not be transferred to state or federal governments.

County Assessor Jackie Moreland stated that as long as the use of the land continues to be agriculture then it would continue to be assessed as agricultural property. Currently, there aren't any sales of conservation easements, so there isn't a market to assess them differently.

Zoning Administrator Jessica Coyle reported that during the Planning Commission's public hearing concerning the CUP there was a lot of discussion and questions. The Planning Commission had voted 6-2 to recommend approval after their public hearing and that it is very similar to the CUP that was denied previously in 2021.

Planning Commission members, Sherri Bacon and Marla Shelbourn, were asked to provide their thoughts to the Board regarding the CUP application.

Approximately five individuals provided oral testimony during the public hearing including: James Ward, Tanya Storer, Mark Kovar, Janie Swanson, and John Gross.

Written testimony was submitted during the public hearing by Mark Kovar.

At 2:33 p.m. Chairman DeNaeyer closed the public hearing.

DeNaeyer moved and McConaughey seconded to table the agenda item re: Adopt Zoning Resolution #Z-93 CUP #004/23 Bow & Arrow Ranch LLC Conservation Easement. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried.

Chairman DeNaeyer spoke with County Attorney Eric Scott and the Board elected to take up the discussion with Mr. Scott at a different time regarding the TK Angus, Co. Appeal. There was no Board action on the agenda item re: TK Angus, Co. Appeal.

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

December 12, 2023 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	74,717.55	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			\$
			74,717.55

GENERAL

Allen Monument Company	Services	\$190.00
Anderson Electric Inc	Services	\$1,213.88
Applied Connective Technologies	Services	\$8,652.89
Ryan Benjamin	Reimbursement	\$597.37
Black Hills Chemical	Services	\$226.53
Kristina Blackford	Reimbursement	\$69.43
Bomgaars	Supplies	\$177.92
Bomgaars	Supplies	\$33.42
Michael Borders	Services	\$2,438.74
Buckles Fuel Service	Services	\$158.17
CenturyLink	Telephone Service	\$199.83
CenturyLink	Telephone Service	\$1,795.01
Cherry County Court	Services	\$386.00
Cherry County Hospital	Services	\$13,080.00
Cherry County Sheriff	Services	\$111.49
Cherry County Treasurer	Bank Fees	\$5.00
Circle K Motor Company	Services	\$1,019.20
Clearly Communications	Telephone Service	\$318.25
CVSOAN Treasurer	Dues/Fees/Trainings	\$100.00
DAS State Accounting 6506	Services	\$537.60
DAS State Accounting 6507	Services	\$220.55
Firstnet/AT&T	Services	\$652.13
Michelle Garwood	Reimbursement	\$49.13
Globalstar Inc	Supplies	\$1,685.25
Pat Greenough	Reimbursement	\$126.21
GRP & Associates	Services	\$58.00
Timothy Hanson	Equipment	\$2,636.75
Heart City Drug	Supplies	\$150.89
Edward Heinert	Reimbursement	\$23.58
Henderson's IGA	Supplies	\$159.97
Hometown Lumber	Supplies	\$71.99
Johnson Law Office	Clerical Salary/Rent/Telephone/Equipment	\$4,453.17
L&B Johnson PC	Services	\$20.75
Dave Leonard	Reimbursement	\$220.00

Lincoln County Detention Center	Services	\$1,705.00
Angie Lincoln	Reimbursement	\$26.20
Microfilm Imaging Systems	Services	\$272.00
Midwest Connect	Services	\$275.00
Midwest Portland, LLC	Services	\$165.48
MIPS	Services	\$3,177.62
NACO	Dues/Fees/Trainings	\$20.00
Nebraska Weed Control Association	Services	\$285.00
NK Waste Management	Services	\$184.00
Office Products	Supplies	\$1,671.93
Outback Screenprinting & Embroidery	Supplies	\$232.00
Peterson Beel LLP	Services	\$9,137.73
Petty Cash	Reimbursement	\$150.00
Pit Stall	Services	\$105.92
Platte Valley Communications	Services	\$1,100.85
Postmaster	Services	\$244.00
Presto X	Services	\$103.73
Quadient Finance USA	Services	\$2,550.00
Quill Corporation	Services	\$45.57
Reese Inc	Services	\$1,007.33
Ron Lower Construction	Services	\$70.00
Ruby Law Office	Services	\$762.50
Sandhill Oil Co	Supplies	\$492.35
Scotty's Ranchland Foods	Supplies	\$270.08
Stanek Fire Protection	Services	\$189.00
Stuntcams	Services	\$870.00
True Value	Supplies	\$138.29
UNL Panhandle Research & Extension	Services	\$430.89
US Cellular	Services	\$88.75
Valentine Midland News	Services	\$468.77
City of Valentine	Utilities	\$3,867.31
Westfield Pharmacy	Supplies	\$9.89
Wex Bank	Fuel	\$2,013.69
Laura Willert	Reimbursement	\$36.03
Woody's Repair	Services	\$634.04
Wrenched Tire & Auto LLC	Services	\$77.50
	Total	\$74,717.55

Claims were presented in the amount of	\$	73,662.00	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Road Fund in the amount of			\$ 73,662.00

ROAD

Andy's Glass Shop	Services	\$75.00
Bacon Repair	Services	\$149.00
Bomgaars	Supplies	\$1,266.55
Doug Boyer	Reimbursement	\$10.00
Buckles Fuel Service	Services	\$7,332.43
Jordan Buechle	Reimbursement	\$144.44
Bradley Bunner	Reimbursement	\$250.00
Tyler Cash	Reimbursement	\$250.00
Cherry County Clinic	Services	\$28.00
Cherry County Implement	Services	\$196.27

Cody Oil	Services	\$5,739.35
Daniel Coetsee	Reimbursement	\$233.65
Consolidated Telephone	Services	\$318.77
Croell Inc	Services	\$598.36
Custer Public Power District	Services	\$162.28
Custom Truck One Source	Services	\$343.82
Danielski Farms	Services	\$2,000.00
DAS State Accounting Central Finance	Services	\$27.70
Dooley Oil	Services	\$2,995.47
Galaway Field Repair LLC	Services	\$4,044.52
Randy Graeff	Reimbursement	\$108.33
Grainger	Supplies	\$385.58
Great Plains Communications	Services	\$317.35
Tyler Hendrickson	Reimbursement	\$248.72
Hoefs Skidloader Works LLC	Services	\$4,008.00
Inland Truck Parts Company	Supplies	\$2,011.30
Interstate Battery System	Services	\$169.95
KBR Rural Public Power District	Services	\$300.18
Kimball Midwest	Services	\$1,320.30
L&L Gravel	Services	\$6,550.58
Menards	Supplies	\$1,125.86
Village of Merriman	Services	\$62.72
Mips Inc	Services	\$180.00
Village of Mullen	Services	\$129.00
Nebraska Machinery Company	Services	\$1,705.48
Nebraska Public Power District	Services	\$57.99
Nebraska Truck Center	Services	\$2,008.22
The Parts Company	Services	\$609.39
Terry J Pearman	Reimbursement	\$250.00
Perrett Construction	Services	\$669.13
Petty Cash	Reimbursement	\$20.00
Pit Stall	Services	\$3,615.04
Powerplan	Services	\$1,370.42
Prema	Services	\$64.45
Quadient Finance	Postage	\$100.00
Reese Inc	Services	\$188.98
Sandhill Oil Company	Services	\$16,146.67
Sandhills Ranch Supply	Supplies	\$1,064.26
Surplus Center	Supplies	\$647.29
Tony's Tire & Auto Repair	Services	\$195.00
US Cellular	Services	\$106.43
City of Valentine	Services	\$548.41
3S Fabrication & Repair	Services	\$1,211.36
	TOTAL	\$73,662.00

Claims were presented in the amount of	\$	12,748.79	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Visitor Promotion Fund in the amount of			\$ 12,748.79

VISITOR PROMOTION

Black Hills Sports Show	Dues/Fees	\$430.00
Bob's Signs	Services	\$2,880.00
Great Plains Communication	Services	\$180.60
Office Products Center	Services	\$3,000.00

Old West Days	Grant	\$4,000.00
Rosebud Office Solutions	Supplies	\$529.46
Sandhills Catfish Classic	Grant	\$1,535.28
City of Valentine	Services	\$193.45
	TOTAL	\$12,748.79

Claims were presented in the amount of \$ 1,854.70 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Visitor Improvement Fund in the amount of \$ 1,854.70

VISITOR IMPROVEMENT (995)

Bob's Signs	Services	\$1,854.70
	TOTAL	\$1,854.70

Claims were presented in the amount of \$ 28,782.37 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Health Insurance Claims Fund in the amount of \$ 28,782.37

EMPLOYEE HEALTH INSURANCE CLAIMS

Cherry County Clerk	Health Insurance Claims	\$28,782.37
	TOTAL	\$28,782.37

Claims were presented in the amount of \$ 9,709.89 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Bookmobile Fund in the amount of \$ 9,709.89

BOOKMOBILE

Valentine Public Library	Bookmobile	\$9,709.89
	TOTAL	\$ 9,709.89

Claims were presented in the amount of \$ 701.36 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Emergency Management Fund in the amount of \$ 701.36

EMERGENCY MANAGEMENT

Century Link	Services	\$264.03
KBR Rural Public Power	Services	\$94.78
Office Products	Supplies	\$103.99
Prema	Services	\$109.66
Reese Inc	Services	\$111.62
True Value Hardware	Supplies	\$17.28
	TOTAL	\$701.36

Claims were presented in the amount of \$ 638.72 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Inheritance Tax Fund in the amount of \$ 638.72

INHERITANCE TAX

Peppermill Restaurant	Services	\$638.72
	TOTAL	\$638.72

Claims were presented in the amount of \$ 1,325.91 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the 911 Emergency Services Fund in the amount of \$ 1,325.91

911 EMERGENCY SERVICES (2910)

CenturyLink	Services	\$30.20
Geo Comm Inc	Services	\$1,132.95
Great Plains Communications Inc	Services	\$16.12

OPTK Networks		Services	\$146.64
		TOTAL	\$1,325.91

Claims were presented in the amount of	\$	7,513.48	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the 911 Wireless Service Fund in the amount of			\$

911 WIRELESS SERVICE (2013)

CenturyLink		Services	\$171.13
Geo Comm		Services	\$6,420.05
Great Plains Communications Inc		Services	\$91.34
OPTK Networks		Services	\$830.96
		TOTAL	\$7,513.48

Claims were presented in the amount of	\$	6,466.50	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the Courthouse (Special Building) Fund in the amount of			\$

Courthouse (Special Building)

Cherry County Implement		Services	\$5,900.00
Heart City Plumbing and Heating		Services	\$566.50
		TOTAL	\$6,466.50

At 3:01 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

December 12, 2023

The Cherry County Board of Commissioners convened as a Board of Equalization on December 12, 2023 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published December 6, 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 10:15 a.m. by Chairman DeNaeyer. Roll call was taken. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, Cherry County Clerk Brittny Longcor, and Cherry County Assessor Jackie Moreland. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

Assessor Moreland presented information for tax list corrections #2023-6 - #2023-27. Corrections #6-8, 11 are due to additional assets being reported after the tax list was completed, #9-10 are to move assets that were incorrectly added to a different personal property return, #12 is for a basis correction per trade calculation, and #13-27 are to correct ownership due to a clerical error omitting half interest.

Nelson moved and McConaughy seconded to approve tax list corrections #2023-6 - #2023-27 as presented by Assessor Moreland and authorize the Chairman to sign. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

At 10:27 a.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.