

BOARD OF COMMISSIONERS MINUTES

February 13, 2024

The Cherry County Board of Commissioners convened in regular session on February 13, 2024 in the 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 10:02 a.m. by Clerk Longcor. 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 Clerk Longcor and the Pledge of Allegiance was recited.

The Board of Commissioner regular meeting minutes from January 30, 2024 were read. DeNaeyer moved and McConaughy seconded to approve the minutes as corrected. Roll call vote: Aye - Nelson, DeNaeyer, McConaughy. The motion carried.

The Board of Equalization meeting minutes from January 30, 2024 were read. McConaughy 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 January 30, 2024 were read. Nelson moved and DeNaeyer seconded to approve the minutes as read. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

DeNaeyer reported that Wynn Wiens accepted the Emergency Management Director position and will start employment on March 15, 2024.

Road Supervisor Doug Boyer and Highway Superintendent Lloyd Smith updated the Board regarding road issues caused by early ground thawing, high water levels, culvert placement, inspection and evaluation of roads, equipment issues & breakdowns, potential availability of millings at Eli, Merritt Dam Road snow removal, and upcoming bid opening for a wing extension on Seneca Rd Bridge over North Loup River.

Deputy Emergency Manager Jessica Coyle updated the Board regarding submittal of the cybersecurity grant, quotes haven't been received for the UPS replacement, and ongoing 911 call mapping issues.

Zoning Administrator Jessica Coyle updated the Board regarding the Planning Commission's reorganization meeting, upcoming NPZA Conference, status of the Comprehensive Plan draft, and CUP applications & public hearings.

Planning Commission members Duane Kime, Sherri Bacon, and Marla Shelbourn were present to discuss their perspectives concerning the progression and/or delays of revising the Comprehensive Plan and Zoning Regulations. Administrator Coyle indicated that the Planning Commission is at a standstill until Keith Marvin provides an updated draft. The Planning Commission's moratorium placed in 2019 on CUP applications for solar and wind energy was discussed. The Board requested ideas for how to help the Planning Commission complete the revision and adoption of updated Zoning Regulations and Comprehensive Plan. Corresponding with Mr. Marvin, setting a timeline for accountability purposes, Planning Commission subcommittees, and a short-term moratorium on CUP applications were offered as suggestions by those present.

Nelson moved to place a temporary hold on all Zoning CUP applications until the Comprehensive Plan and Zoning Regulations have been approved by the Planning Commission and Board of Commissioners, to allow the Planning Commission to focus on the task at hand. Discussion was had concerning what an appropriate timeline would be for a temporary hold to allow the Planning Commission to continue their work on revising the Comprehensive Plan and Zoning Regulations without hindering business in Cherry County. The Board spoke with County Attorney Eric Scott via telephone. The Board's constitutional authority, potential liability of placing a moratorium on CUP applications, and due process for updating the Comprehensive Plan & Zoning Regulations were discussed. The legal effectiveness

of the Planning Commission’s moratorium on wind and solar energy CUP applications was also discussed. Chairman DeNaeyer called for a second on Nelson’s motion on the floor after debate ceased. Motion died for lack of a second.

McConaughey moved and Nelson seconded to set a deadline for the Planning Commission to have a final copy of the updated Comprehensive Plan and Zoning Regulations to the Board of Commissioners by July 9, 2024. Roll call vote: Aye – Nelson, McConaughey. No – DeNaeyer. The motion carried.

Administrator Coyle informed the Board regarding CUP #005/23 that the Planning Commission held a public hearing, voted 4-2 to recommend approval, and the earliest date for the Commissioners to hold a public hearing is March 12th. DeNaeyer moved and McConaughey seconded to set the public hearing for CUP #005/23 Billie Brockley and Mike Wescott – RV/Tent Camping Park to be at 11:00 a.m. on March 12, 2024. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

The Board reviewed the Clerk of District Court fee report for January 2024, Treasurer’s fund balance listing for January 31, 2024, Operating Statement report of budget v. actual spending for January 31, 2024, and the 2023 NIRMA Annual Report. Nelson reported regarding attendance at recent legislative sessions.

The Board recessed from 11:49 a.m. to 1:00 p.m.

Comments from the public were received during the allotted time.

At 1:30 p.m. DeNaeyer moved and McConaughey seconded to enter closed session for the purpose of discussion regarding a personnel issue and the County’s legal strategy for a potential claim, with the Board, Clerk, and County Attorney to be present. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried. Chairman DeNaeyer restated the subject matter of the closed session to be discussion of a personnel issue and the County’s legal strategy for a potential claim.

At 2:20 p.m. the meeting room doors were reopened and the public was allowed to reenter. At 2:21 p.m. DeNaeyer moved and McConaughey seconded to come out of closed session. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

Valentine City Council President Kyle Arganbright, Valentine City Council member Brad Arnold, members of the Cherry County Visitors Promotion Board, Tourism Director Regina Osburn, and County Attorney Eric Scott were present to discuss the Convention Center project. The City Council’s vote to request an extension of the option to purchase the old Shopko building, whether or not the Board of Commissioners has authority to spend Visitors Improvement funds on the project, potential grant opportunities, and management design of the project were discussed. The Commissioners stressed that there is no intention to use property tax dollars to fund the project. It was stated that the Visitors Promotion Board unanimously supports spending Visitors Improvement funds on the project and they will hold a special meeting to take official action stating as much. An interlocal agreement, to authorize the execution of a purchase agreement, will be placed on the Board of Commissioners’ February 27th agenda for their consideration.

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

February 13, 2024 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	98,266.82	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of		\$	98,266.82
GENERAL			

Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$668.41
Applied Connective Technologies	Services	\$4,773.13
Black Hills Chemical	Services	\$433.89
Bob Barker Company	Services	\$1,661.54
Boyd's Network Solutions	Services	\$844.80
Brown County Clerk	Services	\$1,579.50
Buckles Fuel Service	Services	\$82.74
Butler Veterinary Clinic	Services	\$240.36
Aisha Carr	Services	\$400.50
Centurylink	Telephone Service	\$199.98
Centurylink	Telephone Service	\$1,796.15
Cherry County Court	Services	\$423.75
Cherry County District Court	Services	\$36.00
Cherry County Hospital	Services	\$7,280.00
Cherry County Treasurer	Bank Fees	\$5.00
Clearly Communications	Telephone Service	\$318.18
Complete Garage Doors Inc	Services	\$186.24
Contryman Associates PC	Services	\$250.00
CVSOAN Treasurer	Dues/Fees/Trainings	\$60.00
DAS State Accounting 6506	Services	\$537.60
DAS State Accounting 6507	Services	\$220.55
Janette Duffield	Reimbursement	\$102.90
EFTPS	Withholdings/Taxes	\$1,269.61
Firstnet/AT&T	Services	\$652.13
Galls Parent Holdings	Supplies	\$893.32
Michelle Garwood	Reimbursement	\$66.70
Government Forms & Supplies	Supplies	\$629.39
Pat Greenough	Reimbursement	\$100.00
Timothy Hanson	Equipment	\$2,636.75
Heart City Drug	Supplies	\$68.85
Heart City Lock and Key	Services	\$563.85
Henderson's IGA	Supplies	\$169.89
Gary Jackson	Reimbursement	\$107.85
Johnson Law Office	Clerical Salary/Rent/Telephone/Equipment	\$4,449.36
La Quinta Inn & Suites	Lodging	\$474.80
Dave Leonard	Reimbursement	\$88.43
Loup Basin RC&D Council	Services	\$200.00
Marco Technologies LLC	Services	\$226.12
Microfilm Imaging Systems	Services	\$232.00
Midplains Community College	Services	\$390.00
MIPS	Services	\$5,485.62
NACO	Dues/Fees/Trainings	\$40.00
NE Clerks of District Court Assn	Dues/Fees/Trainings	\$50.00
NE County Court Assn	Dues/Fees/Trainings	\$5.00
Nebraska Assn of County Treasurers	Dues/Fees/Trainings	\$50.00
NE Department of Revenue	Withholdings/Taxes	\$191.95
NK Waste Management	Services	\$184.00
North Star Electric	Services	\$256.55
Office Products	Supplies	\$3,811.61
Outback Screenprinting & Embroidery	Supplies	\$597.75
Petty Cash	Reimbursement	\$28.45
Pit Stall	Services	\$110.92
Platte Valley Communications	Services	\$75.00

Presto X	Services	\$103.73
Quadient Leasing USA	Services	\$1,128.63
Quadient Finance USA	Services	\$4,000.00
Reese Inc	Services	\$1,878.80
Region IV Inc	Services	\$2,626.00
Maxwell Renning	Reimbursement	\$360.58
Sandhill Oil Co	Supplies	\$371.05
Andrea Schadel	Reimbursement	\$17.28
Becky Schrunk	Services	\$180.00
Cynthia Scott	Gross Wages	\$4,197.10
Eric Scott Law Office	Clerical Salary/Rent/Telephone/Equipment	\$11,533.75
Scotty's Ranchland Foods	Supplies	\$222.33
Camilla Searby	Gross Wages	\$1,744.36
Security First Bank	Services	\$32.00
Cardmember Service	Services	\$400.00
Sennett, Duncan, Jenkins & Wickham	Services	\$37.50
Thomas & Jensen Law Office	Services	\$884.00
Timeclock Plus	Services	\$15,161.60
True Value	Supplies	\$52.52
UNL Panhandle Research & Extension	Services	\$365.00
US Cellular	Services	\$61.14
Valentine Dental Clinic LLC	Services	\$92.25
Valentine Midland News	Services	\$457.50
City of Valentine	Utilities	\$4,667.87
Ward Plumbing & Heating	Services	\$453.60
Western Oil Inc	Services	\$93.40
Wex Bank	Services	\$1,914.12
Wrenched Tire & Auto	Services	\$166.00
3s Fabrication & Repair	Services	\$132.00
	GROSS TOTAL	\$99,541.23
	Adjustment for employees' share of withholdings	-\$1,274.41
	Total	\$98,266.82

Claims were presented in the amount of	\$	110,942.21	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Road Fund in the amount of			\$ 110,942.21

ROAD

Andersen & Sons NAPA Auto Parts	Supplies	\$228.76
Bacon Repair	Services	\$1,795.31
Bomgaars	Supplies	\$1,792.27
Buckles Fuel Service	Services	\$4,318.66
Cherry County Implement	Services	\$1,064.95
Cody Oil	Services	\$5,481.76
Village of Cody	Services	\$155.50
Collier, Brent	Reimbursement	\$679.67
Consolidated Telephone	Services	\$311.33
Crossroads Auto Repair Specialists	Services	\$112.27
Custer Public Power District	Services	\$147.91
Daly Enterprises	Services	\$2,526.28
DAS State Accounting Central Finance	Services	\$27.70
Dooley Oil Inc	Services	\$175.03
Great Plains Communications	Services	\$320.85
Great Plains Health	Services	\$56.00

Handyman Hardware	Services	\$106.05
Independent Salt Co	Services	\$1,073.41
Inland Truck Parts Company	Supplies	\$1,134.00
J&J Trailer Sales	Services	\$70.00
JM Parts & Equipment Inc	Services	\$40.87
KBR Rural Public Power District	Services	\$723.15
Kimball Midwest	Services	\$1,286.19
Kohler Trailer Sales	Services	\$2,137.90
Kustom Rock Crushing	Services	\$13,400.00
Lanair Products LLC	Services	\$232.65
M I Jones	Supplies	\$1,032.65
Martin Auto Parts II	Services	\$178.93
Mathis Equipment	Services	\$9.59
Medical Enterprises Inc	Services	\$110.00
Menards	Supplies	\$335.42
Village of Merriman	Services	\$61.77
Mips Inc	Services	\$180.00
Mullen Auto & Diesel	Services	\$421.97
Neal Oil & Auto Center	Services	\$1,386.00
Nebraska Machinery Company	Services	\$1,258.91
Nebraska Public Power District	Services	\$103.36
Nebraska Truck Center	Services	\$2,502.66
Niobrara Valley Consultants	Services	\$2,872.50
NK Waste Management Inc	Services	\$115.00
Northern Tool & Equipment	Supplies	\$1,344.99
Office Products Center	Supplies	\$61.39
The Parts Company	Services	\$2,030.42
Terry Pearman	Reimbursement	\$369.20
Perrett Construction	Services	\$378.70
Petty Cash	Reimbursement	\$20.00
Pit Stall Inc	Services	\$517.72
Platte Valley Communications	Services	\$187.55
Powerplan	Services	\$15,386.42
Prema	Services	\$68.40
Rau Repair	Services	\$1,609.00
Reese Inc	Services	\$1,856.17
Robin Roth	Services	\$259.80
Sandhill Oil Company	Services	\$32,190.11
Sandhills Ranch Supply	Supplies	\$2,124.61
Thedford Lumber & Supply	Services	\$65.98
US Cellular	Services	\$106.45
City of Valentine	Services	\$1,119.07
Ward Plumbing & Heating LLC	Services	\$450.00
Western Oil Inc	Services	\$10.00
3S Fabrication & Repair	Services	\$819.00
	TOTAL	\$110,942.21

Claims were presented in the amount of	\$	22,629.96	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Visitor Promotion Fund in the amount of		\$	22,629.96

VISITOR PROMOTION

Great Plains Communication	Services	\$180.37
Tony Hanson	Services	\$75.00

Hollman Media, LLC	Services	\$360.00
KBR Rural Public Power District	Services	\$393.83
NK Waste Management	Services	\$99.00
NRG Media LLC	Services	\$1,997.00
Quad Graphics Inc	Services	\$19,089.98
Valentine Rotary Club	Dues/Fees/Training	\$102.00
City of Valentine	Services	\$332.78
	TOTAL	\$22,629.96

Claims were presented in the amount of \$ 18,209.28 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Health Insurance Claims Fund in the amount of \$ 18,209.28

EMPLOYEE HEALTH INSURANCE CLAIMS

Cherry County Clerk	Health Insurance Claims	\$18,209.28
	TOTAL	\$18,209.28

Claims were presented in the amount of \$ 10,367.89 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Bookmobile Fund in the amount of \$ 10,367.89

BOOKMOBILE

Thomas County Library	Bookmobile	\$658.00
Valentine Public Library	Bookmobile	\$9,709.89
	TOTAL	\$ 10,367.89

Claims were presented in the amount of \$ 2,219.72 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Emergency Management Fund in the amount of \$ 2,219.72

EMERGENCY MANAGEMENT

Applied Connective Technologies	Services	\$1,411.00
Century Link	Services	\$261.39
Huskerland Communications	Services	\$22.99
KBR Rural Public Power	Services	\$106.17
KVSH	Services	\$240.00
Prema	Services	\$178.17
	TOTAL	\$2,219.72

Claims were presented in the amount of \$ 16,191.12 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the Inheritance Tax Fund in the amount of \$ 16,191.12

INHERITANCE TAX

Houghton Bradford Whitted PC	Services	\$16,191.12
	TOTAL	\$16,191.12

Claims were presented in the amount of \$ 2,479.61 .
and disallowed in the amount of \$ - .
A warrant was ordered drawn on the 911 Emergency Services Fund in the amount of \$ 2,479.61

911 EMERGENCY SERVICES (2910)

CenturyLink	Services	\$60.41
Great Plains Communications Inc	Services	\$17.58
OPTK Networks	Services	\$146.64
Solacom Technologies	Services	\$2,254.98
	TOTAL	\$2,479.61

Claims were presented in the amount of	\$	14,051.09	.
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)			14,051.09
CenturyLink	Services		\$342.30
Great Plains Communications Inc	Services		\$99.62
OPTK Networks	Services		\$830.96
Solacom Technologies	Services		\$12,778.21
	TOTAL		\$14,051.09

Claims were presented in the amount of	\$	52,086.80	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the Courthouse (Special Building) Fund in the amount of			\$
Courthouse (Special Building)			52,086.80
Eggert Enterprises LLC	Services		\$49,236.80
Wickett Construction	Services		\$2,850.00
	TOTAL		\$52,086.80

NorthStar Services Valentine Area Director Jean Risseuw met with the Board and County Attorney Eric Scott to discuss concerns regarding New Generation Apartments with Karen Spain APC Management President via telephone. New Generation room vacancy percentages, amount currently owed to APC Management, potential discontinuation of APC Management’s services, necessary monthly fees, HUD inspections, deferred maintenance, and staff shortages at NorthStar were discussed.

The Board agreed that APC Management would be paid the amount currently owed and that they would like APC Management to continue managing New Generation Apartments. Paying fees to APC Management on a monthly basis, drafting a new contract for APC to continue management services, and a capital injection were discussed. No Board action was taken on the agenda item regarding APC Management Contraction Termination.

At 3:58 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.