

BOARD OF COMMISSIONERS MINUTES

September 29, 2026

The Cherry County Board of Commissioners convened in regular session on September 29, 2026 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 10:00 a.m. by Chairman McConaughy. Roll call was taken. Present for the meeting were Commissioners Mike McConaughy, Martin DeNaeyer, Nina Nelson, and Clerk Samantha Leonard. The Open Meetings Act Poster was acknowledged by Chairman McConaughy, and the Pledge of Allegiance was recited.

The Board of Commissioners' meeting minutes from September 15, 2026 were read. DeNaeyer moved and Nelson seconded to approve minutes with noted corrections. Roll call vote: Aye – DeNaeyer, Nelson, McConaughy. The motion carried.

The Board of Commissioners' special meeting minutes from September 22, 2026 were read. McConaughy moved and Nelson seconded to approve minutes as read. Roll call vote: Aye – Nelson, McConaughy, DeNaeyer. The motion carried.

Comments from the public were received during the allotted time.

Foreman Jay D Osburn provided an update for Road District 1 re: oil work, routine maintenance, and hauling material. Foreman Steve Stichka provided a Road District 2 update re: armor coat project completed on North Whitman Road, routine maintenance, and hauling materials. Road District 3 Foreman Brent Collier provided an update re: routine maintenance and filling in soft spots.

Noxious Weed Superintendent Pat Hooper provided an update re: office inspection completed, newsletters, specialized projects, working with Forest Services for potential grants available, and pickup repairs.

Highway Superintendent Jay D Osburn provided an update re: ROW Permits, bridge record inspections, and no update from NDOT re: Amish Bridge on Anderson Bridge Road.

The board discussed the 39-1722 study for 412 Ave. Nelson moved and DeNaeyer seconded to authorize Highway Superintendent to begin the study on 412 Ave. Roll call vote: Aye – McConaughy, DeNaeyer, Nelson. The motion carried.

The board discussed maintenance on 2 Mile Lane. Landowner Brad Schlueter was present and informed the board this road is used by multiple users, they have no alternative route out of their residence, this is the only road they can use for trucking purposes. Mr. Schlueter requests for this road to be maintained because it holds a Class 4 Road Classification. Highway Superintendent Jay D Osburn stated he has not had time to do more research on said road. No board action taken and it was a consensus of the board that the county will continue to maintain the road per the easement.

The board discussed Twin Bridge on Big Creek, Twin Bridge on Loup River, and Dry Creek Bridge and the process to begin abandonment. Mr. Osburn stated the board needs to authorize him as the Highway Superintendent to begin the study, he will present the study within 30 days and then a public hearing will be held. DeNaeyer moved and Nelson seconded to authorize the Highway Superintendent to begin the process to abandon bridge #COE1603505P Twin Bridge on Big Creek River. Roll call vote: Aye – DeNaeyer, Nelson, McConaughy. The motion carried. DeNaeyer moved and McConaughy seconded to authorize Highway Superintendent to begin the process to abandon bridge #COE1603510P Twin Bridge on Loup River. Roll call vote: Aye – Nelson, McConaughy, DeNaeyer. The motion carried. Nelson moved and DeNaeyer seconded to authorize Highway Superintendent to begin the process to abandon bridge #C0016010405 Dry Creek Bridge. Roll call vote: Aye – McConaughy, DeNaeyer, Nelson. The motion carried.

At 11:14 a.m. the board met with the Forest Service to discuss a tree removal grant for the Anderson Bridge Road area. This is a federal grant with the US Forest Service and UNL would work with counties and landowners for the grant funds. With this grant, Landowners hire contractors to remove trees. They cannot do their own work because of federal regulations. The county would have a cooperative agreement with Forest Service and Landowners to complete the project. The grant requires a minimum of 100 acres to be cleared with \$200,000 federal funds. The process would be for the contract to submit invoices to the state, the state would pay the county, and the county would reimburse the contractors. No board action taken and will rediscuss with landowners present.

The board reviewed the Custer Public Power Request to Occupy Right of Way Application. DeNaeyer moved and McConaughy seconded to approve the Custer Public Power District Right of Way Application. Roll call vote: Aye – DeNaeyer, Nelson, McConaughy. The motion carried.

The board reviewed Viaero Fiber Application of Right of Way. McConaughy moved and DeNaeyer seconded to approve Viaero Right of Way Permit Application for 30-33-40. Roll call vote: Aye – Nelson, McConaughy, DeNaeyer. The motion carried.

The board reviewed Viaero Fiber Application of Right of Way. Nelson moved and DeNaeyer seconded to approve Viaero Right of Way Application for 32-33-37. Roll call vote: Aye – McConaughy, DeNaeyer, Nelson. The motion carried.

The board discussed the letter received for the Flood Insurance Program. No board action taken.

The board discussed opening an Emergency Management bank account with Clerk Leonard and EM Director Coyle. Clerk Leonard stated Starlink does not allow checks for payment and invoices have to be paid electronically and suggested opening a bank account similar to the Sheriff's department with a zero balance every month, a claim will be turned into the Clerk's Office payable to Emergency Management for the exact amount of the invoice, Director Coyle can then use that bank account to pay the invoice electronically. DeNaeyer moved and McConaughey seconded to authorize Emergency Management Director to open an Emergency Management Bank Account to only pay the Starlink monthly fees. Roll call vote: Aye – DeNaeyer, Nelson, McConaughey. The motion carried.

The board discussed an invoice received from Marvin Planning Consultants with Clerk Leonard and Zoning Administrator Interim Jane Stolzenburg. The invoice for \$800 states it is for the Comprehensive Plan Agreement; however, according to the Accounts Payable report, the county has already overpaid the agreement. No board action taken, Commissioner McConaughey will call Keith Marvin to discuss the invoice.

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

GENERAL FUND	\$313,792.32
100 AFLAC DENTAL	\$1,233.02
100 AMERITAS LIFE INSURANCE CORP	\$13,618.51
100 AUL HEALTH BENEFIT TRUST/HRA FUNDS	\$5,100.00
100 CHERRY COUNTY SHERIFF	\$2.00
100 EFTPS (FEDERAL TAX PAYMENT)	\$14,283.46
100 LINCOLN FINANCIAL GROUP	\$390.08
100 MEDICA HEALTH INSURANCE A01764	\$81,258.99
100 MIDAMERICA ADMIN & RETIREMENT SOLUT	\$504.00
100 SECURITY 1ST HEALTH SAVINGS ACCOUNT	\$2,600.00
100 GROSS WAGES	\$194,802.26
ROAD FUND	\$149,878.88
200 AFLAC DENTAL	\$510.37
200 AMERITAS LIFE INSURANCE CORP	\$6,529.40
200 ANDY'S GLASS SHOP	\$60.00
200 AUL HEALTH BENEFIT TRUST/HRA FUNDS	\$2,167.53
200 EFTPS (FEDERAL TAX PAYMENT)	\$7,185.75
200 MEDICA HEALTH INSURANCE A01764	\$34,180.28
200 SECURITY 1ST HEALTH SAVINGS ACCOUNT	\$1,400.00
200 GROSS WAGES	\$97,845.55
VISITOR PROMOTION FUND	\$7,292.07
990 AFLAC DENTAL	\$55.64
990 AMERITAS LIFE INSURANCE CORP	\$427.67
990 EFTPS (FEDERAL TAX PAYMENT)	\$472.99
990 GROSS WAGES	\$6,335.77
EMERGENCY MANAGEMENT FUND	\$10,705.41
2650 AFLAC DENTAL	\$44.47
2650 AMERITAS LIFE INSURANCE CORP	\$428.76
2650 AUL HEALTH BENEFIT TRUST/HRA FUNDS	\$32.47
2650 EFTPS (FEDERAL TAX PAYMENT)	\$451.28
2650 MEDICA HEALTH INSURANCE A01764	\$2,996.45
2650 SECURITY 1ST HEALTH SAVINGS ACCOUNT	\$400.00
2650 GROSS WAGES	\$6,351.98
PAYROLL HOLDING FUND	\$78,280.87
9599 AFLAC ACCT# G0873	\$5,614.68
9599 AFLAC DENTAL	\$1,843.01
9599 AMERITAS LIFE INSURANCE CORP	\$14,201.13
9599 CREDIT MANAGEMENT	\$524.44
9599 EFTPS (FEDERAL TAX PAYMENT)	\$40,601.56
9599 LEGAL SHIELD	\$33.90
9599 MEDICA HEALTH INSURANCE A01764	\$3,900.00
9599 NEBRASKA DEPARTMENT OF REVENUE	\$8,681.94
9599 SECURITY 1ST HEALTH SAVINGS ACCOUNT	\$2,033.33
9599 VISION SERVICE PLAN	\$846.88

The board recessed from 11:59 a.m. to 1:00 p.m.

The board discussed handbook amendments re: log sheets must be attached to timecards for all employees and must be retained in the Clerk's Office for payroll. PTO/sick leave, fringe benefits, usage of county vehicles, FMLA with or without benefits being used, and remote work. Commissioner Nelson will call Pam Bourne for a written opinion on policies. No board action taken.

The board recessed from 1:36 p.m. to 1:41 p.m. to convene as a Board of Corrections.

At 1:44 p.m. Chairman McConaughey adjourned the meeting.

State of Nebraska,)
) SS.
County of Cherry,)

I, Samantha Leonard, the undersigned County Clerk of Cherry County, Nebraska, do hereby certify the foregoing minutes are true and are part of the official records of this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this 13th day of October 2026.

Samantha Leonard
Samantha Leonard
Cherry County Clerk

Mike McConaughey
Mike McConaughey, Chairperson
Cherry County Board of Commissioners

