

# BOARD OF COMMISSIONERS MINUTES

## April 30, 2024

The Cherry County Board of Commissioners convened in regular session on April 30, 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 10:00 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 April 9, 2024 were read. McConaughy moved and Nelson seconded to approve the minutes as read. Roll call vote: Aye - Nelson, DeNaeyer, McConaughy. The motion carried.

The Board reviewed and discussed timecards for employees. Paid holiday hours that had been given to employees by an elected official, for a holiday that is not included in the employee handbook as a paid holiday and was not declared as a holiday by the state or federal government, were not processed as paid holiday hours according to direction from the Board. The use of vacation hours for a salaried, exempt employee was processed according to direction from Commissioner DeNaeyer. The use of paid time off for salaried, exempt employees and requiring a commissioner sign off on timecards for each said employee was also discussed. McConaughy moved and DeNaeyer seconded to approve claims. Roll call vote: Aye - DeNaeyer, McConaughy, Nelson. The motion carried.

### April 30, 2024 CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	<b>285,278.93</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			<b>\$ 285,278.93</b>

**GENERAL FUND**

AFLAC	Withholdings/Insurance	\$3,082.58
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$21,681.58
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$3,154.36
Blue Cross Blue Shield	Health Insurance Funding	\$2,058.00
Cherry County Health Account	Health Claims Funding	\$37,763.08
Credit Management Services	Garnishment	\$559.87
EFTPS	Withholdings/Taxes	\$39,549.87
HM Life Insurance Company	Health Insurance Funding	\$21,361.30
Journal Entry	Void Ck# 24033435	(\$390.00)
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$2,950.00
NE Department of Revenue	Withholdings/Taxes	\$6,157.58
Postmaster	Postage	\$2,000.00
Eric Scott Law	Clerical Salary/Rent/Telephone/Equipment	\$6,443.09
Vision Service Plan	Withholdings/Insurance	\$515.06
General Fund Payroll	Gross Payroll	\$186,961.45
	<b>GROSS TOTAL</b>	<b>\$333,847.82</b>
	Adjustment for employees' share of withholdings	(\$48,568.89)
	<b>NET TOTAL</b>	<b>\$285,278.93</b>

Claims were presented in the amount of	\$	<b>154,848.36</b>	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Road Fund in the amount of			<b>\$ 154,848.36</b>

**ROAD FUND**

AFLAC	Withholdings/Insurance	\$1,861.19
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$9,955.68
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$1,290.32
Assurity Life Insurance Company	Withholdings/Insurance	\$14.50
Bigiron Auctions	Equipment	\$25,025.00
Blue Cross Blue Shield	Health Claim Funding	\$880.00
Cherry County Health Account	Health Claim Funding	\$16,525.30
EFTPS	Taxes/Withholdings	\$19,152.64
HM Life Insurance Company	Health Claim Funding	\$9,250.15
Legal Shield	Services	\$101.70
MassMutual	Withholdings/Retirement	\$300.00
AUL Health Benefit Trust	Health Reimbursement Arrangement Funding	\$1,250.00
NE Department of Revenue	Taxes/Withholdings	\$2,930.07
Vision Service Plan	Withholdings/Insurance	\$193.37
Road Fund Payroll	Gross Payroll	\$89,694.59
	GROSS TOTAL	\$178,424.51
	Adjustment for employees' share of withholdings	(\$23,576.15)
	NET TOTAL	<b>\$154,848.36</b>

Claims were presented in the amount of \$ **4,439.46** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Visitors Promotion Fund in the amount of \$ **4,439.46**

**VISITORS PROMOTION FUND**

AFLAC	Withholdings/Insurance	97.37
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$437.77
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$62.12
EFTPS	Taxes/Withholdings	\$796.10
NE Department of Revenue	Taxes/Withholdings	\$107.66
Vision Service Plan	Withholdings/Insurance	\$31.84
Visitors Promotion Fund Payroll	Gross Payroll	\$3,891.32
	GROSS TOTAL	\$5,424.18
	Adjustment for employees' share of withholdings	(\$984.72)
	NET TOTAL	<b>\$4,439.46</b>

Claims were presented in the amount of \$ **20,933.86** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Health Claims Fund in the amount of \$ **20,933.86**

**HEALTH CLAIMS FUND**

Cherry County Clerk	Health Insurance Claims	\$20,933.86
	TOTAL	<b>\$20,933.86</b>

Claims were presented in the amount of \$ **10,102.66** .  
and disallowed in the amount of \$ - .  
A warrant was ordered drawn on the Emergency Management Fund in the amount of \$ **10,102.66**

**EMERGENCY MANAGEMENT FUND**

AFLAC	Withholdings/Insurance	143.39
Ameritas Life Insurance/Retirement	Withholdings/Retirement	\$619.29
Ameritas Life Insurance/Dental	Withholdings/Insurance	\$124.24
Blue Cross Blue Shield	Health Claim Funding	\$55.00
Cherry County Health Account	Health Claim Funding	\$1,417.96
EFTPS	Taxes/Withholdings	\$1,188.57
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	\$161.02
Vision Service Plan	Withholdings/Insurance	\$31.84
Emergency Management Fund Payroll	Gross Payroll	\$5,504.83
	GROSS TOTAL	\$10,102.66
	Adjustment for employees' share of withholdings	
	NET TOTAL	<b>\$10,102.66</b>

McConaughy reported concerning the reimbursement from Richard Minor for the Snake River Plan. He confirmed that he had provided the approved Mainelli Wagner plan to Mr. Minor and that the NRD and Mr. Minor would plant the trees as provided in said plan. It was confirmed by Clerk Longcor that the payment to Mainelli Wagner was made out of the Inheritance Tax Fund and the check will be deposited into said fund.

From 10:21 a.m. to 10:55 a.m. the Board recessed from regular session to convene as a Board of Equalization.

The Board and Clerk Longcor met with Judd Allen and spoke with Dennis Maggart via telephone regarding the health insurance renewal. Additional options for the prescription drug tiers were reviewed and details of stop loss carriers and their rates were discussed. DeNaeyer moved and McConaughy seconded to renew the Cherry County employee health insurance, to select Companion Life as the stop loss carrier at the \$35,000 specific deductible, and to select the Blue Cross Blue Shield standard plan option 15 with the three-tier prescription drug plan. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

The Board and Clerk Longcor reviewed a consulting proposal received from Zelle Human Resource Solutions. It was agreed that the level of services offered was more than the county would require, and Clerk Longcor will look into alternative options.

Valerio Jansante, Community Liaison for Congressman Adrian Smith, provided a legislative update to the Board and discussed meetings held with USPS officials, highlighted benefits of the SOAR Act, and support of the Firearm Due Process Protection Act.

Road Supervisor Doug Boyer provided the Board with an estimate from Figgins of \$63 per ton, for roughly 10,000 tons, to produce material suitable for use as millings. Mr. Boyer stated that the millings between Mullen and Tryon won't be suitable for use by the county. Highway Superintendent Lloyd Smith informed the Board that there won't be any millings available from the Highway 97 project by Merritt Dam, but that he will keep checking.

Highway Superintendent Lloyd Smith presented the Board with Requests to Occupy Cherry County Right-of-Way submitted by CenturyLink for fiber optic cable & enclosures along Meadow Lake Rd; Borman Bridge Rd and Pine Heights Dr; Chaduza Ridge Rd and Chaduza Canyon Rd; Alice St, Chestnut St, Birch St, Apple St, and Jenny St and a Request to Occupy submitted by Ainsworth Electric Motor, LLC for a water line in the SE1/4 of Sec. 34, T35N, R26W. McConaughy moved and DeNaeyer seconded to approve the Requests to Occupy and authorize Chairman DeNaeyer to sign. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Elaine Menzel, NACO Legal Counsel, met with the Board to provide a legislative update. Upcoming workshops for county officials, NACO West in Ogallala, ARPA funds obligation deadline, Inheritance Tax legislation, restoration of felons' voting rights, Open Meetings Act updates, County Purchasing Act updates, and public records requests changes were discussed.

The Board reported regarding recent meetings they had attended.

The Board recessed from 12:17 p.m. to 1:02 p.m. Comments from the public were received during the allotted time.

Building & Grounds Superintendent Pat Greenough met with the Board to discuss replacing lighting in the Cherry County south building, cleaning ducts in the Justice Center, and the roof leaking in the Justice Center. Using ARPA funds for replacing the Justice Center roof was discussed. The Board requested quotes prior to proceeding. Commissioner DeNaeyer will look into having specs drawn up for the potential roof replacement. An issue with the sidewalk sloping on the south side of Cherry County south was also discussed and Mr. Greenough will speak with the City about it first.

The Board recessed from regular session to convene as a Board of Corrections from 1:31 p.m. to 2:06 p.m. The meeting moved from the Commissioners' Meeting Room to the Sheriff's Conference Room at 1:35 p.m. for the remainder of the meeting.

The Board conducted a Zoning Administrator interview with Amber Cozad.

At 2:23 p.m. DeNaeyer moved and McConaughy seconded to enter closed session for the purpose of potential negotiations and discussion of terms and conditions of employment with the County Attorney Eric Scott, Board, Clerk Longcor, and interim Zoning Administrator Jessica Coyle to be present. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried. Chairman DeNaeyer restated the purpose of the closed session to be potential negotiations and discuss of terms and conditions of employment.

At 3:06 p.m. the doors were reopened and the public was allowed to reenter. At 3:08 p.m. DeNaeyer moved and Nelson seconded to come out of closed session. Roll call vote: Aye – DeNaeyer, McConaughy, Nelson. The motion carried.

Chairman DeNaeyer stated that it was a consensus of the Board to request Mrs. Cozad to agree to preliminary terms prior to a formal offer of employment, including attendance of the May 6, 2024 Cherry County Planning Commission meeting at 4:30 p.m., a basic background check, and spending a couple of hours on May 9, 2024 with Interim Administrator Coyle and Commissioner McConaughy to review requirements of the position. Mrs. Cozad agreed to the preliminary terms. A formal offer of employment for the Zoning Administrator position will be added to the May 15, 2024 agenda.

The Board reviewed a letter received from Dave Rogers in which he resigned from the Planning Commission. The Board expressed appreciation for his years of service and wished him well. DeNaeyer moved and McConaughy seconded to formally accept Dave Rogers' resignation from the Cherry County Planning Commission. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

The Board discussed the extensive miles driven by some members of the Planning Commission to attend meetings and it was a consensus of the Board to encourage the Planning Commission members to turn in mileage reimbursement requests. The reimbursement form will be sent to Planning Commission members electronically and available in hard copy format at their meetings.

Creating a fee schedule for Conditional Use Permits was discussed by the Board and Interim Administrator Coyle stated that she has a draft fee schedule and had worked on it several years ago. The potential to charge for Zoning Building Permits was also discussed. Mr. Scott indicated the charging a percent of the projected project cost for CUP applications would retain the equal protection constitutionality. Keeping the fee schedule separate from the Zoning Regulations was discussed by Planning Commission member Marla Shelbourn.

The Board reviewed written correspondence from James Lambley. The Board discussed how the Planning Commission needed representation from the western side of Cherry County and Commissioner McConaughy indicated that there has been no interest in being appointed to the Commission from the individuals that he had contacted. The deadline for an updated Comprehensive Plan and Zoning Regulations was discussed by the Board and Planning Commission members Marla Shelbourn and Sheri Bacon. Nelson moved to appoint Gordon Witte to the Cherry County Planning Commission. The Board discussed how they wanted to have someone from the western part of the county on the Commission, Mr. Rogers' term on the Planning Commission expires at the end of the year,

and the potential to have setbacks with updating the Comprehensive Plan and Zoning Regulations by appointing a new member to the Commission. McConaughy seconded the motion. Roll call vote: Aye – Nelson, McConaughy. No – DeNaeyer. The motion carried.

Emergency Management Director Jessica Coyle updated the Board regarding the controlled burn at McKelvie Forest, Capstone training completion, upcoming NC 911 and NC PET region meetings, Beacon GIS causing address mapping issues, disaster declaration for the fire north of Purdum, and working with villages for disaster plans.

At 3:43 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.***

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# BOARD OF EQUALIZATION MINUTES

## April 30, 2024

The Cherry County Board of Commissioners convened as a Board of Equalization on April 30, 2024 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published April 10, 2024 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 10:21 a.m. by Chairman DeNaeyer. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, Cherry County Clerk Brittny Longcor, Cherry County Assessor Jackie Moreland, and Deputy Cherry County Assessor Andrea Andre. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

At 10:22 a.m. Chairman DeNaeyer opened the public hearing for property tax exemption applications on real and personal property by qualifying organizations. No one appeared to offer testimony regarding said applications. Assessor Moreland stated that Region 4 had been removed from the application list presented at their meeting in February because they are a governmental entity and aren't required to file the application. The 90% exemption for American Legion was also discussed. At 10:27 a.m. Chairman DeNaeyer closed the public hearing.

Nelson moved and McConaughy seconded to approve the permissive exemptions, Form 451 and authorize Chairman DeNaeyer to sign. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

The Board discussed the rural residential property reviews taking place by the Cherry County Assessor's Office and Lake Mac. The Board has been provided a list of the properties and Commissioner McConaughy has been calling the property owners in an attempt to let them know in advance about the reviews taking place. The reviews are starting on the western edge of the county and moving east, so Nelson will also attempt to provide notice as they work their way east.

Assessor Moreland provided information for three tax list corrections due to omitted personal property for Property ID: 160666021. McConaughy moved and Nelson seconded to approve tax list corrections #2021-13, #2022-12, and #2023-37 as presented by Assessor Moreland. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

The Board of Equalization schedule and deadlines for filing of and decisions regarding property valuations protests and reports of destroyed real property were discussed. A workday to review information for protests or destroyed properties will be tentatively scheduled, with appropriate notice provided by Clerk Longcor.

Assessor Moreland emailed the required monthly progress report to the Board of Equalization and Property Assessment Division on April 29, 2024.

At 10:55 a.m. Chairman DeNaeyer declared the meeting adjourned.

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# BOARD OF CORRECTIONS MINUTES

## April 30, 2024

The Cherry County Board of Commissioners convened as a Board of Corrections on April 30, 2024 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published April 10, 2024 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 1:31 p.m. by Chairman DeNaeyer. Present for the meeting were Cherry County Commissioners Martin DeNaeyer, Nina Nelson, Mike McConaughy, Cherry County Clerk Brittney Longcor, and Cherry County Justice Center Administrator Sharon Hesse. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

The meeting moved the Sheriff's Conference Room at 1:35 p.m. for the remainder of the meeting.

Administrator Hesse updated the Board regarding the staff census and jail census and that she is advertising again; that some positions have come open and she will be conducting interviews with a couple of applicants. The transport van is currently in Omaha being outfitted and will need to have communications equipment installed after the outfitting is complete. Administrator Hesse stated that she had questions about the Resolution requiring cross-training that was adopted in late 2023. County Attorney Eric Scott and Administrator Hesse met to discuss her questions and they will coordinate for a specific agenda item to be added to a Board of Corrections agenda for May 15<sup>th</sup>.

There was no business to come before the Board. At 2:06 p.m. Chairman DeNaeyer declared the meeting adjourned.

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