

BOARD OF COMMISSIONERS MINUTES

April 9, 2024

The Cherry County Board of Commissioners convened in regular session on April 9, 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 Commissioner regular meeting minutes from April 30, 2024 were read. The Board discussed corrections to the minutes. DeNaeyer moved and McConaughy seconded to approve as corrected. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

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

Greg Wright, US Forest Service Wildlife Biologist, met with the Board to introduce Tedd Teahon as the Bessey District Ranger who started with the US Forest Service late last year. They updated the Board regarding Eastern Red Cedar removal progress and grants for said removal, Arbor Day education, fire management zones, potential purchase of 160 acres adjacent to McKelvie, timber contracts, and the prescribed burn at McKelvie.

Building & Grounds Superintendent Pat Greenough informed the Board that he has spoken with several electricians and would like to have some conformity for the bids he receives for lighting in Cherry County South. It was the consensus of the Board for Commissioner DeNaeyer and Mr. Greenough to inspect the current lighting and make a decision for how to replace it. Bob Dean will be providing quotes for signage for the building.

Clerk Longcor provided background information regarding payments received from the Department of the Interior. Cherry County received \$83,578.78 from the Forest Reserve Fund and in accordance with Nebraska Revised Statute 79-1045 one-fifth of the apportionment shall be to the Road Fund in the amount of \$16,715.76 and the balance to the Bookmobile Fund in the amount of \$66,863.02 for the support of a county circulating library. McConaughy moved and Nelson seconded to adopt Resolution #2024-04 Forest Reserve Funds Distribution and authorize the Chairman to sign. Roll call vote: Aye – Nelson, DeNaeyer, McConaughy. The motion carried.

Road Supervisor Doug Boyer updated the Board regarding rough road complaints, updating and upgrading road signing, obtaining estimates from Paulson for different types of material at their site between Mullen and Tryon, rock price increases, and the possibility of reclaiming abandoned highways for use as millings. Highway Superintendent Lloyd Smith stated that he has spoken with an NDOT district engineer about reclaiming abandoned highways and that they have done it in the past with no cost for the material as long as the site is reseeded. The estimate from Figgins to recycle millings at Eli, requirements for formal sealed bidding, and remaining fiscal year spending authority were discussed. The Board briefly discussed expenditures that they would like to happen in the current fiscal year. Superintendent Smith reported that the material for the Brownlee Bridge is in Norfolk and the goal is to have it completed in June.

Cherry County Hospital Jim Barga met with the Board to update them regarding the electronic health record implementation, overcoming medical billing and coding issues, the next budget should be approved at their next meeting, staff recruiting strategies, and the optimization of space for outpatient services. The Board requested that Mr. Barga update them quarterly, or more often, if necessary.

Amber Cozad met with the Board, Interim Zoning Administrator Jessica Coyle, and County Attorney Eric Scott to discuss her qualifications, experience, and attendance at the recent Planning Commission meeting. Requirements in the job description and the amount of training needed were also discussed. The Board agreed to revisit the Zoning Administrator agenda item in the afternoon.

Mr. Scott spoke with the Board about the need to solicit formal sealed bids for the processing of a large amount of road material. It does not fall within the parameters of being classified as a statutorily exempt professional service. Mr. Scott suggested working with Highway Superintendent Lloyd Smith to formulate an RFP, advertise, and distribute it to companies.

Emergency Manager Jessica Coyle updated the Board that Bill Rahder is working on replacing the UPS systems, all sirens were tested and are functional, she attended the May 7th Valentine City Council meeting, spoke on the radio regarding the burn bad, quarterly attendance at Keya Paha County Board of Commissioners meetings, progress on hazard mitigation for Merriman siren grant, and upcoming NC 911 and NC PET region meetings.

Due to the NACO trainings for County Boards, County Clerks, and Budget Workshops on June 12th – 14th the Board and Clerk Longcor discussed rescheduling the June 11th meeting. Assessor Jackie Moreland was present to discuss the need for an extra Board of Equalization meeting in June. DeNaeyer moved and McConaughey seconded to move the regularly scheduled meeting from June 11, 2024 to June 10, 2024 and advertise accordingly. Roll call vote: Aye – DeNaeyer, McConaughey, Nelson. The motion carried.

The Board recessed from 12:12 p.m. to 1:01 p.m. Comments from the public were received during the allotted time.

The Board reviewed the Clerk of District Court fee report for April 2024, Treasurer's Fund Balance for April 30, 2024, Operating Statement of budgeted v. actual spending for April 30, 2024, and correspondence from NDOT requesting input for the 2025-2028 State Transportation Improvement Plan.

The Board recessed from regular session to convene as a Board of Corrections from 1:30 p.m. to 2:18 p.m.

The Board, Mr. Scott, Clerk Longcor, Justice Center Administrator Sharon Hesse, EM Director Coyle, and HR Representative Billie Brockley met to discuss salaried, exempt employees, their use of vacation and sick leave, and requiring supervisors signing off on timesheets. Differences between the various salaried, exempt positions were discussed, having a backup for the EM Director when she wishes to use paid time off were also discussed, obtaining a written contract for contracting various portions of the Communications Department with Matt Sandoz, whether or not it is permitted to work from home, and allowing said employees to operate under a certain level of trust were also discussed.

EM Director Coyle questioned the eight hours of vacation time that Commissioner DeNaeyer signed off on for April 30, 2024 payroll and the Board discussed work done by her that day. Historical use of paid time off by the Administrator Hesse was also discussed. It was the consensus of the Board to return eight hours of vacation time to Jessica Coyle.

DeNaeyer moved and McConaughey seconded to direct that salaried, exempt employees must give reasonable notice to their supervisor in advance of vacation hours that an employee desires to take and that reasonable advance notice for use of sick hours, if possible. Timesheets for salaried, exempt employees will be signed off on by their supervisor. In the opinion of Eric Scott, this should not amend the employee handbook because it is a procedural matter, not a substantive matter. Roll call vote: Aye – Nelson, DeNaeyer, McConaughey. The motion carried. DeNaeyer will be the Road Supervisor's supervisor.

The Board shared their opinions regarding hiring Mrs. Cozad as the Zoning Administrator and training that would be required was discussed with Interim Administrator Coyle. No Board action was taken on the agenda item regarding the Cherry County Zoning Administrator position. The position will be advertised for again.

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

May 15, 2024
CHERRY COUNTY CLAIMS LISTING

Claims were presented in the amount of	\$	108,243.96	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the General Fund in the amount of			\$ 108,243.96
GENERAL			
Allen Monument Company	Services		\$190.00
Ameritas Life Insurance Corp	Withholdings/Retirement		\$103.14
Applied Connective Technologies	Services		\$4,857.30
Sherri Bacon	Reimbursement		\$272.02
Daniel Bauer	Reimbursement		\$298.59
Ryan Benjamin	Reimbursement		\$310.83
Black Hills Chemical	Services		\$733.63
Kristina Blackford	Reimbursement		\$35.51
Bomgaars	Supplies		\$23.97
Michael Borders	Services		\$6,184.37
Buckles Fuel Service	Services		\$119.53
Centurylink	Services		\$3,664.51
Cherry County Court	Services		\$443.75
Cherry County District Court	Services		\$144.00
Cherry County Manufacturing	Services		\$60.00
Cherry County Sheriff	Services		\$8.00
Cherry County Treasurer	Bank Fees		\$5.00
Clearly Communications	Telephone Service		\$318.55
DAS State Accounting 6506	Services		\$537.60
DAS State Accounting 6507	Services		\$220.55
EFTPS	Taxes/Withholdings		\$140.26
Election Systems & Software	Services		\$7,636.87
Firstnet/AT&T	Services		\$601.03
Grafix Shoppe	Services		\$656.50
Pat Greenough	Reimbursement		\$150.00
Shawn Hamling	Reimbursement		\$278.72
Timothy Hanson	Equipment		\$2,636.75
Edward Heinert	Reimbursement		\$24.12
Holiday Inn Kearney	Lodging		\$1,989.65
Hometown Lumber	Supplies		\$12.57
Huskerland Communications	Services		\$44.97
Johnson Law Office	Clerical Salary/Rent/Telephone/Equipment		\$5,495.15
Journal Entry	Century Link/Account Closed		-\$199.98
Dave Leonard	Reimbursement		\$79.94
Loup Basin RC&D Council	Services		\$573.27
Tammy Lutter	Reimbursement		\$30.00
Marco Technologies	Services		\$194.69
McInnes Group	Services		\$230.70

Microfilm Imaging Systems	Services	\$192.00
Midwest Connect	Services	\$382.00
MIPS	Services	\$34,514.21
Jackie Moreland	Reimbursement	\$209.37
NACO	Dues/Fees/Training	\$125.00
NCRAAO	Dues/Fees/Training	\$1,250.00
NE Clerks of District Court	Dues/Fees/Training	\$75.00
NACEB	Dues/Fees/Training	\$100.00
Nebraska Assn of County Treasurers	Dues/Fees/Training	\$150.00
NE Department of Revenue	Taxes/Withholdings	\$4.70
NDOR, Property Assessment Division	Services	\$1,250.00
NE Secretary of State	Dues/Fees/Training	\$30.00
Nebraska Safety & Fire Equip	Services	\$345.00
Nextoner, LLC Print Tracker	Services	\$280.00
NK Waste Management Inc	Services	\$184.00
Northeast NE Area Agency on Aging	Services	\$1,948.00
Office Products	Supplies	\$2,187.83
Outback Screenprinting & Embroidery	Services	\$240.00
Paper Tiger Shredding	Services	\$55.00
Platte Valley Communications	Services	\$88.50
Presto X	Services	\$103.73
Quadient Leasing USA	Services	\$1,304.15
Quadient Finance USA	Services	\$3,000.00
Quill Corporation	Services	\$58.34
Reese Inc	Services	\$693.13
Region IV Ince	Services	\$2,626.00
Ruby Law Office	Services	\$58.36
Sandhill Oil Co	Supplies	\$496.82
Andrea Schadel	Gross Wages	\$799.68
Lauren Schadel	Gross Wages	\$117.00
Eric Scott Law Office	Clerical Salary/Rent/Telephone/Equipment	\$5,714.04
Cardmember Service	Supplies	\$257.97
Sennet Duncan Jenkins & Wickham PC	Services	\$916.10
Springview Herald	Services	\$6.51
True Value	Supplies	\$28.28
US Cellular	Services	\$2.07
Valentine Midland News	Services	\$2,718.52
City of Valentine	Utilities	\$3,844.60
Western Oil Inc	Services	\$55.75
Wex Bank	Services	\$2,542.45
Laura Willert	Reimbursement	\$36.85
	Gross Total	\$108,360.05
	Adjustment for employees' share of withholdings	-\$116.09
	Net Total	\$108,243.96

Claims were presented in the amount of	\$	120,072.45	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Road Fund in the amount of			\$ 120,072.45
ROAD			
American Crane & Tractor	Services	\$1,337.19	
B's Enterprises Inc	Services	\$17,158.00	
Bacon Repair	Services	\$1,942.80	
Bill's Garage	Services	\$547.35	

Bomgaars	Supplies	\$625.24
Buckles Fuel Service Inc	Supplies	\$12,706.75
Central Valley Ag Cooperative	Services	\$6,409.79
Cherry County Implement	Services	\$232.78
Cody Oil	Services	\$10.00
Village of Cody	Services	\$155.80
Consolidated Telephone	Services	\$307.00
Creative Printers	Supplies	\$60.00
Crossroads Auto Repair Specialists	Services	\$353.31
Custer Public Power District	Services	\$143.27
Danielski Farms	Services	\$12,128.69
DAS State Accounting Central Finance	Services	\$27.70
Dooley Oil Inc	Services	\$1,815.37
Bradly Fernau	Reimbursement	\$227.08
Grant County News	Services	\$54.00
Great Plains Communications	Services	\$320.45
Hoef's Skidloader Works LLC	Services	\$8,350.00
Hooker County Tribune	Services	\$25.00
Inland Truck Parts Company	Services	\$3,561.60
Interstate Battery System	Supplies	\$1,251.60
KBR Rural Public Power District	Services	\$384.05
Kimball Midwest	Services	\$416.32
Medical Enterprises Inc	Supplies	\$70.00
Village of Merriman	Services	\$61.77
Mips Inc	Services	\$180.00
Modern Farm Equipment Corporation	Services	\$5,138.48
Nebraska Machinery Company	Services	\$6,269.88
Nebraska Public Power District	Services	\$59.47
Nebraska Truck Center	Services	\$342.31
NK Waste Management Inc	Services	\$115.00
Office Products Center	Supplies	\$22.12
The Parts Company	Services	\$1,940.55
Perrett Construction	Services	\$156.08
Platte Valley Communications Inc	Services	\$1,839.64
Powerplan	Services	\$10,969.62
Prema	Services	\$128.44
Reese Inc	Services	\$1,473.00
Road Builders	Services	\$2,560.88
Sandhill Fertilizer	Services	\$200.08
Sandhill Oil Company	Services	\$14,481.78
Sandhills Ranch Supply	Services	\$1,818.88
Sheridan County Journal Star	Services	\$84.00
Leroy Songer	Reimbursement	\$25.35
Surplus Center	Supplies	\$264.83
US Cellular	Services	\$105.74
Valentine Midland News	Services	\$144.40
City of Valentine	Services	\$921.01
3S Fabrication & Repair	Services	\$148.00
	TOTAL	\$120,072.45

Claims were presented in the amount of	\$	1,618.94	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Visitor Promotion Fund in the amount of	\$		1,618.94

VISITOR PROMOTION

Cherry County Visitors Promo Board	Reimbursement	\$225.99
Great Plains Communication	Services	\$185.44
Tony Hanson	Services	\$75.00
Journal Entry	Void Ck# 21086796	-\$102.00
Hollman Media	Services	\$360.00
NK Waste Management	Services	\$89.00
Office Products	Services	\$35.00
Outback Screenprinting & Embroidery	Services	\$169.75
Valentine Chamber of Commerce	Dues/Fees/Training	\$200.00
Valentine Rotary Club	Dues/Fees/Training	\$102.00
City of Valentine	Services	\$278.76
	TOTAL	\$1,618.94

Claims were presented in the amount of	\$	49,873.58	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Health Insurance Claims Fund in the amount of			\$
			49,873.58

EMPLOYEE HEALTH INSURANCE CLAIMS

Cherry County Clerk	Health Insurance Claims	\$49,873.58
	TOTAL	\$49,873.58

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	\$	25,433.75	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Disaster Fund in the amount of			\$
			25,433.75

DISASTER FUND

BOKF,NA	Interest Payment	\$25,433.75
	TOTAL	\$25,433.75

Claims were presented in the amount of	\$	2,012.32	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Emergency Management Fund in the amount of			\$
			2,012.32

EMERGENCY MANAGEMENT

Century Link	Services	\$268.85
Jessica Coyle	Reimbursement	\$81.91
KBR Rural Public Power	Services	\$94.04
Office Products	Supplies	\$1,310.32
Prema	Services	\$182.44
Springview Herald	Services	\$74.76
	TOTAL	\$2,012.32

Claims were presented in the amount of	\$	45,649.00	.
and disallowed in the amount of	\$	-	.
A warrant was ordered drawn on the Inheritance Tax Fund in the amount of			\$
			45,649.00

INHERITANCE TAX

Anderson Ford of Lincoln	Vehicle	\$44,389.00
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Houghton Bradford Whitted PC		Services	\$1,260.00
		TOTAL	\$45,649.00

Claims were presented in the amount of	\$	4,859.16	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the 911 Emergency Services Fund in the amount of			\$

911 EMERGENCY SERVICES (2910)			4,859.16
Great Plains Communications Inc		Services	\$111.76
Platte Valley Communications		Services	\$4,747.40
		TOTAL	\$4,859.16

Claims were presented in the amount of	\$	1,094.80	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the 911 Wireless Service Fund in the amount of			\$

911 WIRELESS SERVICE (2913)			1,094.80
Great Plains Communications Inc		Services	\$117.20
OPTK Networks		Services	\$977.60
		TOTAL	\$1,094.80

Claims were presented in the amount of	\$	6,487.00	.
and disallowed in the amount of	\$	-	
A warrant was ordered drawn on the Courthouse (Special Building) Fund in the amount of			\$

Courthouse (Special Building)			6,487.00
Wickett Construction		Services	\$6,487.00
		TOTAL	\$6,487.00

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.

BOARD OF CORRECTIONS MINUTES

May 15, 2024

The Cherry County Board of Commissioners convened as a Board of Corrections on May 15, 2024 in the Cherry County Commissioners Meeting Room of the Cherry County Courthouse, as per notice published May 8, 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 1:30 p.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 Justice Center Administrator Sharon Hesse, and Cherry County Attorney Eric Scott. The Open Meetings Act Poster was acknowledged by Chairman DeNaeyer.

Mr. Scott stated that there has been a grievance filed by a woman in the jail by the name of Nikkia Rabago and that on Monday, May 13, 2024, on the record during her court appearance with her counsel present, she had waived her right to attend the meeting today. The Board and Administrator Hesse confirmed to Mr. Scott that they were in possession of and had reviewed the grievance filed by Ms. Rabago. Administrator Hesse confirmed to Mr. Scott that there is no truth or substance to any of the claims by Ms. Rabago. The Board indicated that they had all investigated the claims. Mr. Scott advised the Board to dismiss Ms. Rabago's grievance, since it weighs heavily that she is not willing to appear and plead her case or be cross-examined, and that her complaint is not against a standard that can be measured against other people. The legal standard that jail officials are held to is that of reckless indifference and Mr. Scott's opinion is that our facility is far above and away from the standard of reckless indifference.

DeNaeyer moved and McConaughy seconded to dismiss the grievance(s) of Nikkia Rabago after consideration. Roll call vote: Aye – McConaughy, Nelson, DeNaeyer. The motion carried.

Regarding the personnel issue, Mr. Scott's opinion is that it is not a decision about an individual, but it is a policy decision. Administrator Hesse shared a letter received from Jail Standards concerning the cross-training and certification of Justice Center employees as both Corrections Officers and Dispatchers. EM Director Jessica Coyle reviewed correspondence received from the Public Service Commission regarding use of 911 funds for Dispatcher wages. Mr. Scott questioned the legal authority of the Jail Standards Division and the individual at the Public Service Commission to issue opinions for the Crime Commission and Public Service Commission. Administrator Hesse informed the Board regarding the number of employees who are cross-trained, hiring issues that she believes are related to the required cross-training resolution, and the recent Jail Standards inspection. Administrator Hesse stated that the biggest concern during the jail inspection is staff shortage. Mr. Scott discussed the history of the cross-training policy. The Board and Administrator Hesse discussed whether or not Corrections Officer and Dispatcher were similar enough jobs to require one individual to have the capabilities to perform both.

No Board action was taken on the agenda item regarding Personnel Issue. The Board requested that an individual from the Jail Standards Division attend their next Board of Corrections meeting.

At 2:18 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.